



Indonesia-Australia Maritime Security: Challenges and Cooperation



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ROYAL AUSTRALIAN NAVY



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INDONESIA-AUSTRALIA MARITIME SECURITY: CHALLENGES AND COOPERATION

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Foreword



Welcome to the joint publication of the inaugural publication of the Center for Maritime Studies of Indonesian Naval Command and Staff College (Pusjianmar Seskoal) with the Sea Power Center Australia. This publication has the theme of Challenges and Cooperation in the field of Maritime Security, including Marine Pollution, IUU Fishing, Blue Economy, and HA / DR. The maritime space should gain attention as a theater for nontraditional security challenges and as space of increasingly important economic potential, so too does the need to empirically measure the scope of the challenges and the progress made in the maritime space.

This publication has been prepared in the context of encouraging Lecturers and Researchers of both Seskoal and Sea Power Center Australia to conduct joint research in the maritime security sector. This is a challenge for lecturers and researchers to develop the ability to study up to date problems faced by Indonesia and Australia or maritime issues in the Asia-Pacific region.

I hope that this Joint Publication is put to good use as an activity to strengthen the role of Pusjianmar Seskoal and the Sea Power Center in particular and between the Indonesian Navy and the Royal Australian Navy.

I would like to thank many people who created the opportunity for the joint publication to be born and who made it happen. In particular, my greatest thanks are due to the Head of Center for Maritime Studies Captain Suharto Ladjide, and the Director of Sea Power Center Australia Captain Sean Andrews and the teams who started this joint publication so that it can be published properly and on time.

Hopefully, this publication can benefit both the Indonesian Navy and Royal Australian Navy in particular and for all readers.

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Commander, Indonesian Naval Command and Staff College

SEA POWER CENTER - AUSTRALIA

ROYAL AUSTRALIAN NAVY



The Sea Power Centre - Australia (SPC-A) was established by the Chief of Navy to undertake activities which promote the study, discussion and awareness of maritime issues and strategy within the RAN and the Defence and civil communities at large.

The mission of the SPC-A is to:

- Promote understanding of sea power and its application to the security of Australia's national interests,
- Encourage national and international debate on important maritime issues,
- Contribute to the development of maritime strategic concepts, strategies, and force structure decisions,
- Manage the development of RAN doctrine,
- Contribute to regional engagement, and
- Preserve, develop and promote Australian naval history.

The SPC-A is an autonomous research centre intended to foster independent debate on Australian maritime issues, challenge orthodox wisdom, apply intellectual rigour to national maritime policy, and make informed recommendations on issues pertaining to Australia's maritime defence.

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CENTER FOR MARITIME STUDIES INDONESIAN NAVAL COMMAND AND STAFF COLLEGE



The Center for Maritime Studies or Pusat Pengkajian Maritim Seskoal (Pusjianmar) was established by the Chief of Navy to undertake activities the task of planning and carrying out maritime strategic research activities in the context of conducting national defense and maritime security and supporting national interests.

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Australia and Indonesia: A Connected Ocean

Captain Sean Andrews
Sea Power Center - Australia

1. Introduction.

The Northern Ocean region of Australia is best remembered because of two catastrophic events, the Japanese bombing of Darwin in 1942 and the devastation caused by Cyclone Tracy on Christmas day 1974.¹ However, it is the closeness to Asia and the abundant seas that have made this northern region a focal point of Australian constabulary operations against Illegal Unlawful and Unregulated (IUU) fisherman from the Indo-Pacific. Since the 17th century, fisherman from Asia have fished to the waters of Australia's Northern Ocean to satisfy the Chinese demand for Trepang.² In the 18th century, pearl shell was discovered in waters north of Darwin, which led to an increase in illegal fishing, and in the last half-century shark and other reef species have been targeted by illegal fisherman.³

The maritime domain directly north of Australia is home to complex geomorphology making it one of the most complex and diverse marine environments in the world. It includes continental, island, archipelagic nation states, firstly, the Philippine and Indonesian archipelagoes comprise more than 7000 islands, secondly, the Gulf of Thailand and South China Sea share

¹ Anthony Beever, *The Second World War*, (Great Britain: Weidenfeld and Nicolson, 2012), 264-265 and Brett Mitchell, "Disaster relief – Cyclone Tracy and the Tasman Bridge," (Canberra: The Sea Power Centre – Australia), 1-2

² Illegal, unreported and unregulated (IUU) fishing is a broad term that captures a wide variety of fishing activity. IUU fishing is found in all types and dimensions of fisheries; it occurs both on the high seas and in areas within national jurisdiction. It concerns all aspects and stages of the capture and utilisation of fish, and it may sometimes be associated with organized crime. <http://www.fao.org/iuu-fishing/background/what-is-iuu-fishing/en/>

³ Geoffrey Blainey, *The Tyranny of Distance: How Distance Shaped Australia's History* (Melbourne: Sun Books 1983) 4-8 and David Gray, *Contraband and Controversy: The Customs History of Australia from 1901*, (Canberra: Australian Government Publishing Service, 1996) 67 and Dedi Supriadi Adhuri, "Macassan History and Heritage," in *Macassan History and Heritage: Journeys, Encounters and Influences*, ed. Marshall Clark and Sally K. May (Canberra: ANU Press, 2013), 183 - 184

similar environmental conditions and are governed by monsoonal seasons, and these nutrient rich waters are overexploited.⁴ Thirdly, the Sulu-Celebes Sea that borders Malaysia, Indonesia and the Philippines is also highly diverse with complex coral systems but has an unproductive marine capture fishery due to severe weather systems, fish poisoning and dynamite fishing. Fourthly, Timor Leste and Indonesia border the Indonesian Sea, these waters experience strong and complex currents as this area is the main tributary exchange between the Indian and Pacific Oceans. There is mounting evidence that this area is becoming over fished by both artisanal and industrial fishing methods.⁵

Lastly, Australia's Northern Ocean is made up of three seas and one ocean, the eastern reaches of the Indian Ocean, the Arafura Sea, the Timor Sea and the western approaches to the Coral Sea, including the Gulf of Carpentaria. Australia borders the southern reaches of this Northern Ocean and Indonesia, Timor Leste and Papua New Guinea. Australia has made significant investment into its maritime forces and agencies to counter IUU fishing.⁶

Perhaps American geostrategist Nicholas Spykman provides the geographical intimacy that Australia has with this region, this Asiatic Mediterranean. In 1942, Spykman argues that this middle sea bounded by Asia to the north and Australia in the south is bountiful in produce, rich in trading and an area dominated by a contest of the greatest Asian naval power [Japan] and the western nations of Europe and the United States. Spykman also argues that Australia does not exist in terms of its own strength, but as part of a superior naval power [the United Kingdom] underpinned by the isolation of its geographic location.⁷ While the regional powers have changed, this observation arguably captures the enduring lens that Australia views its position within, and conversely perceived geopolitically in the region while reinforces the enormity of Australia's maritime domain.

⁴ G. Bianchi and R. Fletcher, *Western Central Pacific, Review of the State of World Marine Fishery Resources*, (Rome: Fisheries and Agriculture Technical Paper 569, 2011), 163-171

⁵ Bianchi and Fletcher, *Review of the State of World Marine Fishery Resources*, 163-171

⁶ Derek Woolner, *The Developing Policy Pressures in Australian Coastal Surveillance*, (Canberra: Department of Parliamentary Library, 2001), 20 -21

⁷ N. J. Spykman, *America's Strategy in World Politics* (New York: Harcourt, Brace and Company, 1942), 130 - 133

The aim of this paper is to overview the strategic narrative of the Northern Ocean region, the Indo-Pacific and the waters that lie on Australia's northern frontier and of the contribution to national policy and maritime strategy from Australian constabulary operations. To achieve this, I intend to set the stage through historiography and geopolitics, present an operational example of an Australian constabulary operation in the Northern Ocean region. Lastly, this paper will review the big strategic ideas, current debates that permeate through traditional and non-traditional maritime security challenges in Australia's Northern Ocean region.

2. Setting the Stage.

2.1 First Traders

There is evidence that Asian fishermen have been fishing the coastal waters of Australia's Northern Ocean for 300 years. The key species pursued was a sea cucumber called Trepang, Chinese demand for Trepang had outstripped their domestic supply and Indonesia fishermen commonly referred to as 'Macassan' fished Indonesia waters for Trepang and had a history of fishing waters that are considered today as Australian waters.⁸ According to reports by the British naval officer and renowned navigator Mathew Flinders, the Macassan preferred the waters of Australia as the fisherman found these waters abundant.⁹ On 17 February 1803 after completing a survey of the Gulf of Carpentaria and sailing west, Flinders discovered Macassan Trepang fishermen as he rounded Cape Wilberforce - the North Eastern extremity of Arnhem Land. The Macassarese had no use for Trepang, it was destined for Chinese markets as it had long been considered a key ingredient in Chinese cuisine.¹⁰

The first customs duties were collected from the Macassan Trepangers in 1882 and a year later, the South Australian Government annexed the

⁸ C.C. MacKnight stated that the term Macassan is convenient as it services both the noun and the adjective. The term Macassan does not refer to any racial, linguistic or cultural group as such. It refers simply to any person who came on the annual fleet of praus to the Northern Territory. Even Aborigines, when travelling with the Trepangers beyond his normal ambit can be included within this definition. (MacKnight, 1976, 1-2)

⁹ Adhuri, "Macassan History and Heritage," 183 - 184 and John Bach, *A Maritime History of Australia*, (Australia: Thomas Nelson Limited, 1976), 9 - 10

¹⁰ C.C. McKnight, *The Voyage to Marege: Macassan Trepangers in Northern Australia*, (Melbourne University Press, Melbourne, 1976), 1-2, 17

Northern Territory for the purposes of advancing pastoral development through the hope of discovering valuable mineral deposits.¹¹ However, the Trepang fishery was contested and its value debated in the Australian Parliament. Additionally, Australian fishermen were petitioning their political leaders for an Australian based Trepang industry to be given priority and the Macassarese prohibited. The South Australian Government presented four points in support, firstly, the encouragement and support of the local industry, secondly, the protection of the local aborigines, thirdly, to underpin the anti-Dutch sentiment and lastly, prejudice against non-Europeans.¹² This prejudice against non-Europeans was a common position in many parts of Australia in the late nineteenth century.

On July 26, 1906 the Minister for Agriculture, Mr L. O'Loughlin signed the authorisation prohibiting Macassan praus from fishing in Australia. The Dutch consul in Adelaide was advised of this decision in order to communicate this position to the Dutch authorities in Macassar.¹³ However, at least one Macassan praus sailed south in 1907 which caused some administrative angst amongst South Australian authorities, but this praus had left some gifts and a letter to authorities requesting clarification of the prohibition order. There is no record of a reply, but there is evidence that the senior Macassan Trepangers left the sea and other crewman found work at sea elsewhere. The Macassan Trepang industry had closed in Australia.¹⁴

2.2 Poaching and Politics.

Post-World War One, the Australian government was acutely aware of the pressures facing the fishing grounds of Australia's Northern Ocean. Three key issues were presented in the 1920's, firstly, the establishment of a meteorological service on Browse Island to inform the pearl fishermen of impending cyclones. On occasion cyclones had significantly impacted upon pearling fleets with loss of ship and life. Secondly, poaching remained a problem as Mr Green [Kalgoorlie, W.A.] pointed out to the Minister of Trade and Custom [Mr Herbert Pratten] stating that Dutch luggers poach the Northern coast of Australia for pearl shell and Trepang and they poach

¹¹ MacKnight, *The Voyage to Marege*, 100 - 106

¹² MacKnight, *The Voyage to Marege*, 123-124

¹³ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 27, Friday 5 July 1901, 2151 and MacKnight, *The Voyage to Marege*, 123-124

¹⁴ MacKnight, *The Voyage to Marege*, 125 - 126

without hindrance. Mr Green further challenged the Minister for Trade and Customs by arguing that Australia could not reasonably claim to have self-respect, and yet stand by as its waters are plundered. Lastly, the value of the fledging Australia pearl shell industry had caused concern. Pre-war the Australian pearl shell attained significant returns when London was the global distributing centre for pearl shell. However, post-war, the American market attained dominance and the value of the Australian pearl shell suffered as a result.¹⁵ These three issues highlight the challenges for a young nation, first, information to keep the fishing industry safe in its Northern Ocean, second, the challenge of on water enforcement operations and lastly attaining market competitiveness for an Australian product.

In August 1926, Mr Green [Kalgoorlie, W.A] again pointed out the vastness and vulnerability of the Australian Northern Ocean coastline. Firstly, he reiterated his position against Malay fisherman poaching pearl shell and Trepanng without ‘...let or hindrance as far as the Commonwealth is concerned...’¹⁶ Secondly, Mr Green stated that he had been advised by many military authorities that the Northern approaches were vulnerable, effectively unguarded and that Australia is menaced from the north. Green argued that in the event of war, defence of Australia’s north would depend largely on the air force.¹⁷ Green provides an interesting argument that if the Government of the day has no ability to enforce resource sovereignty, what capacity does it have to enforce state sovereignty.

Two years later in 1930, Mr Harold Nelson [Northern Territory] highlighted the poaching by Malay fisherman of pearl shell and Trepanng which was possible, since there was not a single patrol boat in the region.¹⁸ Mr Nelson went on to explain that a local pearler, an Irishman with a good war record had discovered that five Malay praus had poached his ‘pearl shell plot’. This local pearler donned his military uniform, pursued the Malays on the high seas, caught them, threw their weapons into the sea and took possession of all their pearl shell. Mr Nelson asked the Minister of Home

¹⁵ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 25, Wednesday, June 23, 1926, 3421 - 3423

¹⁶ Commonwealth of Australia. *Parliamentary Debates*, House of Representatives, 5180

¹⁷ Commonwealth of Australia. *Parliamentary Debates*, House of Representatives, 5180

¹⁸ Commonwealth of Australia. *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 32, Tuesday August 5, 1930, 5254 - 5255

Affairs what the government would do to protect local pearlers and stop Malays from landing in Australia. The Minister stated that the government would consider what action was required.¹⁹ However, there is no evidence that any significant body of work had been undertaken to prevent illegal fishing in Australia's Northern Ocean.

Both World Wars would focus the Government of the day, but between the wars economic pressures undermined the Navy to the point that in 1931 of consideration on an economic basis the abandonment of the Navy as an independent entity.²⁰ Moreover, the Navy had only four ships and only one capable for resource protection. Additionally, the lack of cohesive oceans governance enabled indifference and frustration at the inability to effect maritime policing in territorial waters.²¹ A new international narrative was focusing on the potential for another world conflict, parliamentary estimate debates in late 1933 focused entirely on re-armament.²² Therefore, the government's perception of the Navy was influenced by the growing prospect of war and not resource protection.

The Commonwealth had neglected law enforcement at sea, and maritime constabulary obligations suffered from resource constraints, differing Commonwealth and State legislation and departmental leadership throughout the inter-war years. Federal and state cooperation would develop slowly as the concerns of illegal fishing continued in waters of the Northern Ocean.²³ The Department of Trade and Customs and the Department of the Interior were assigned the responsibility of maritime

¹⁹ Commonwealth of Australia. *Parliamentary Debates*, House of Representatives, Vol. 32, 5255

²⁰ Commonwealth of Australia. *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 130, 17 June 1931, 2693. The question was put to the Minister for Defence Mr Joseph Chifley (Macquarie, NSW) by Mr Joseph Lyons (Wilmont, Tasmania) about abolishing the Navy outright as a separate unit, Chifley responded that numerous economic options have been considered and he was not in the position to indicate what form they may take.

²¹ N. Stacey, *Boats to Burn: Bajo Fishing Activity in the Australian Fishing Zone*. (Canberra: ANU Press, 2007), 61-63 and 87

²² Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 46, 16 November 1933, 4706-4749.

²³ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 145, November 28, 1934, 575 and Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 151, September 16, 1936, 101 and Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 24, Friday June 18, 1937, 72

patrols and not defence.²⁴ In June 1934, Mr Hawker [Wakefield, S.A.] asked the Minister of Trade and Customs had the government established Northern Australia Coastal Patrols in response to the press reporting. In reply the Minister said that since Parliament had last sat, the Government had considered "... the provision of patrols consisting of fast patrol craft and aircraft..."²⁵ Moreover the Minister stated that the Prime Minister had already announced that three surface craft will be built or purchased for patrolling the northern waters.²⁶

By December 1934, Mr Green [Kalgoorlie, W.A.] pressed the Minister for Trade and Customs (Mr White) on what was being done to combat the poaching in Australia's northern waters, which was being reported in the *Sydney Morning Herald*²⁷. Mr White responded that the government decided to build or buy three patrol vessels to be based at Darwin, Thursday Island and New Guinea but the arrangements to purchase or construct these vessels had not been completed. Mr Green argued that the Government had been idle for eighteen months on the issue of poaching in the northern waters. The Minister for Trade and Customs replied, that "...the Government was alive to the difficulties of the situation and when the patrol boats were available further steps would be taken to minimize the activities of poachers..."²⁸ In May 1936 the Northern Territory Patrol Service was established with a single small patrol boat called the *Larrakia* which was joined by the underwhelming vessel *Kuru*.²⁹ Both vessels were involved in search and rescue and fisheries surveillance. Both vessels were pressed into

²⁴ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 36, June 28, 1934, 24

²⁵ Commonwealth of Australia, *Parliamentary Debates*, No 36, 24

²⁶ Commonwealth of Australia, *Parliamentary Debates*, No 36, 24

²⁷ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 49, December 7, 1934, 914

²⁸ *Parliamentary Debates*, House of Representatives Official Hansard, No 49, 914 and Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 19, Thursday, May 11, 1939, 302

²⁹ Commonwealth of Australia, Report on the Administration of the Northern Territory for the Year Ended 30 June 1937, No 58 – F.512., 22 June 1938, 12 https://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/59158.pdf and C.T.G. Haultain, *Watch off Arnhem Land*, (Canberra: Roebuck Bay Society Publication No.4, 1971), 3 and Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 25, Tuesday, June 22, 1937, 147 – 148

service during WWII and would languish to rot and ruin; *Kuru* in 1943 and *Larrakia* in the late 1940's.³⁰

After the Second World War, fisheries patrols were undertaken by Australian Navy frigates from the frigate patrol group based at Manus Island, New Guinea; the fisheries problem had not abated. While the presence of warships may have been effective, they were too big and their base in Manus Island was at a substantial distance. In 1960, a small general-purpose vessel *Banks* was tasked with fisheries surveillance, but since she had a top speed of 9 knots; the Japanese fisherman simply sailed away from her.³¹ Compounding the challenges of fisheries surveillance were the powers for naval officers, as their authority was not explicit under the Fisheries Act. Moreover, the officers themselves felt they were too well trained and that their role was that of primary naval business; fighting and winning at sea.³² This was not a new phenomenon, as Captain Charles Haultain, who was the master of *Larrakia* observed before the war; navy was not particularly interested in fisheries patrols.³³

The indifference and neglect of Australia's maritime estate between the World Wars is perhaps understandable, so dire that the economic direness saw the consideration of the abandonment of the Navy as a functioning entity.³⁴ Affecting the practical aspects of enforcement was the lack of progress with administrative and legal cooperation between the commonwealth and the states.³⁵ Moreover, domestic political bickering over law enforcement at sea had become the norm in parliament, whilst awareness of 'poachers' was politically evident, the ability to generate a maritime capability was to remain problematic.³⁶ However, with experience during the *Malaysian Emergency* and *Indonesian Confrontation*, the Menzies government in 1964 would announce the procurement of 20 *Attack Class*

³⁰ Haultain, *Watch off Arnhem Land*, 3

³¹ Haultain, *Watch off Arnhem Land*, 3 and Colin Jones, "Early years of the Coastal Patrol," in *Maritime Power in the 20th Century*, ed. David Stevens (St Leonards: Allen and Unwin, 1998), 156 - 160

³² Haultain, *Watch off Arnhem Land*, and Jones, "Early years of the Coastal Patrol," 156 - 160

³³ Haultain, *Watch off Arnhem Land*, and Jones, "Early years of the Coastal Patrol," 156 - 160

³⁴ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol. 130, 17 June 1931, 2693

³⁵ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Vol 138, 9 March 1933, 138

³⁶ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 49, 7 December 1934, 914

Patrol Boats to enforce Australia's maritime domain.³⁷ This announcement heralded the advent of a deliberate policy in which Australia's oceans would be enforced and sovereignty emphasised by a dedicated maritime patrol and surveillance force.

3. Operational Vignette.

3.1 The Russian Experience.

In the Gulf of Carpentaria, demands for more patrols by local fishermen were gathering, particularly over fears for the local prawn industry. There were claims that over 100 Foreign Fishing Vessels (FFVs) were operating in the Gulf.³⁸ Mr Fulton [Leichhardt, QLD], from the Labor opposition called for a greater patrol boat presence.³⁹ The Minister for Navy Mr Kelly stated that his government was considering using the new patrol boats for surveillance duties.⁴⁰ By November 1968, the Labor opposition was scathing of the Gordon Government's apparent ineptitude, no arrests of fishing vessels, motherships or catcher ships had occurred.⁴¹ The Australian Labor Party believed that the Navy (not the men) were a joke because they could not respond in time; moreover, they believed a coastguard type organisation would better service resource protection in Australia's offshore estate.⁴²

In June 1968, the 5000-ton Russian stern trawler *Van Gogh* arrived in the Gulf of Carpentaria to pursue prawns. The *Van Gogh* was considerably larger than the local prawn boats and had the potential to cut them off from their normal fishing areas. Agitated local fishermen called for stronger laws, even

³⁷ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 46, Tuesday 10 Nov 1964. Twenty Fifth Parliament First Session Second Period, 2715-2724

³⁸ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No, 20, Thursday, May 16, 1968, 1549 - 1550

³⁹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 18, Thursday, May 02, 1968, 1019

⁴⁰ Commonwealth of Australia, *Parliamentary Debates*, No 18, Thursday, May 02, 1968, 1019

⁴¹ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, No 46, Tuesday, Nov 12, 1968, 2703 - 2718

⁴² Commonwealth of Australia, *Parliamentary Debates*, No 46, Tuesday, Nov 12, 1968, 2703 - 2718

a ban on foreign vessels in the Gulf area. Royal Australian Air Force (RAAF) Neptune patrol aircraft and Navy patrol boats monitored the *Van Gogh*. The Attack Class Patrol Boat HMAS *Attack* arrived on station, from Darwin 06 July 1968, and found the *Van Gogh* to be outside the 12-mile limit.⁴³

The *Attack*, commanded by Lieutenant Commander R.J.R. Pennock, RAN remained on station shadowing the *Van Gogh* and only returned to harbour to refuel and embark the Administrator of the Northern Territories [Mr R.L. Dean CBE]. Once Mr Dean was disembarked at Karumba a Mr R. Cottier [Department of Primary Industries] would join and *Attack* and would only return to ports in the Gulf area in order to allow Mr Cottier to confer with the Minister of Primary Industries [Hon J.D. Anthony, MP] and the Assistant Secretary of the Department [Mr C.C. Setter]. During July 1968, *Attack* would only spend 139 hours alongside which is a significant effort for a small ship.⁴⁴

During this fisheries operation, *Attack* was assisted on station by her sister ships HMAS *Samurai*, a Manus Island based craft commanded by Lieutenant M.J.B. Fegan, RAN and HMAS *Advance* commanded by W.J. Stewien, RAN. The Russian trawler *Van Gogh* would remain in the north Australian area and even berthed in Darwin in early August. The trawler was under constant surveillance as it fished in the eastern reaches of the Gulf of Carpentaria and northern Australian.⁴⁵ It would appear that the *Van Gogh* had experienced enough of the patrol boats presence and started to head north from Australian late on 2 September, *Attack* and *Advance* were ordered to cease surveillance at in the very early hours of 3 September 1968, approximately 120 nautical miles from Darwin.⁴⁶

Attack berthed in Darwin the next day and would remain alongside until 23 September when she sailed and shaped a course east toward Thursday Island. It was during this patrol that two further Russian trawlers were sighted in the vicinity of the Gulf of Carpentaria, the *Aviator* and the *Lira*. Arguably, the constant presence of the patrol boats kept the Russians

⁴³ Jones, "Early years of the Coastal Patrol," 158 – 161 and HMAS *Attack*, *Report of Proceedings*, (Canberra: Australian War Memorial AWM78/306/1, November 1967 – December 1969) 74 - 102 and HMAS *Advance*, *Report of Proceedings* (Canberra: Australian War Memorial AWM78/306/1, January 1968 – December 1969), 46 - 50 and HMAS *Samurai*, *Report of Proceedings*, (Canberra: Australian War Memorial AWM78/306/1, March 1968 – December 1970), 37 - 40

⁴⁴ HMAS *Attack*, *Report of Proceedings*, 101 – 102

⁴⁵ HMAS *Attack*, *Report of Proceedings*, 101 – 102

⁴⁶ HMAS *Attack*, *Report of Proceedings*, 101 - 102

outside the 12-mile territorial limit.⁴⁷ In January 1968, Australia declared a 12-mile territorial limit followed by the continental shelf (Natural Living Resources).⁴⁸ It was thought at the time that Australian territorial waters might be extended to 100 nautical miles offshore and this posed challenges for the newly formed patrol boat squadrons. Fisheries had become a ‘campaign’ that the government and the public had given priority to and the Navy and defence was under no illusion of the enormity of the task of maritime surveillance and enforcement.⁴⁹

3.2 Politics and Contemporary Poaching.

In late 2006, the Liberal government of the day stated that they would invest a significant amount of money into resource protection. In answer to a question in the Senate from Labor Senator Ludwig [Queensland] regarding illegal fishing, Senator Ellison [Western Australia] responded by stating that his government had announced further funding of \$388.9 million to combat illegal fishing in northern waters. This funding, would resource an integrated whole-of-government initiative and would provide significant support to the navy and Customs vessels effecting enforcement operations at sea.⁵⁰ Additionally, Senator Ian Campbell [Western Australia] advised the Senate that the Royal Australian Navy had spent 1,776 days patrolling northern waters, had boarded 295 vessels, 99 were placed under administrative seizure and 159 illegal foreign fishing vessels had been apprehended.⁵¹ On the same day in the Senate, Senator Ian McDonald stated that the Indonesian Fisheries Minister, Rear Admiral Freddy Numberi would be visiting Australia within the week to meet Senator McDonald’s successor in the Fisheries, Forestry and Conservation portfolio, Senator Eric Abetz and discuss cooperation in dealing with illegal fishing.⁵² Despite the tension that arises

⁴⁷ HMAS Attack, *Report of Proceedings*, 74 – 102 and Jones, “Early years of the Coastal Patrol,” 158 – 161

⁴⁸ Australian Government, Continental Shelf (Living Natural Resources) No 149 of 1968, (Canberra: Commonwealth of Australia, December 9, 1968), <https://www.legislation.gov.au/Details/C1968A00149>

⁴⁹ Jones, “Early years of the Coastal Patrol,” 160 – 161

⁵⁰ Commonwealth of Australia *Parliamentary Debates*, The Senate Official Hansard, Question on Notice, Illegal Fishing, No 13, Wednesday, Nov 8, 2006, 167-168

⁵¹ Commonwealth of Australia *Parliamentary Debates*, The Senate Official Hansard, Question on Notice, Royal Australian Navy Vessel, No 13, Thursday, Nov 9, 2006, 178 - 179

⁵² Commonwealth of Australia, *Parliamentary Debates*, The Senate Official Hansard, Thursday, November 9, 2006,126

from the illegal fishing incursions from Indonesia, fishing matters have not appeared to have an adverse effect on Australian and Indonesian bilateral relations.⁵³

On Wednesday 6 December 2006, the Minister for Defence received a 'question without notice' from Liberal colleague and Member for Leichardt Mr Entsch: 'Can the Minister inform the House about what the Government is doing to help Navy protect our borders against illegal smuggling and fishing? Are there any alternative approaches?' The Minister for Defence, Dr Nelson [New South Wales] stated that there is arguably no more important responsibility for a government than the protection of the nation's sovereignty and borders. Dr Nelson stated that Customs aircraft and vessels that were supported by the navy and air force. Moreover, he advised the house that he had asked the Chief of the Defence Force to review the Rules of Engagement (ROE) for the escalatory measures that can be undertaken by the navy. Dr Nelson spoke to tear gas, distraction firings, long-range acoustic devices and '...or under certain circumstances, fire directly to disable the vessel which is ignoring orders'.⁵⁴ This decision to enable live fire to thwart FFV incursions and protect marine resources is a significant piece of Australian policy.

In January 2007, a press release from the Minister for Fisheries, Forestry and Conservation; Senator Abetz proclaimed, 'Progress in the War against Illegal Fishing' and that the government had seen a significant reduction in illegal FFVs coming into Australia's northern waters.⁵⁵ Moreover, Senator Abetz, in the senate in March 2007 stated that 365 boats have been seized and destroyed in 2006; the previous record was set in 2005 when 281 boats were seized and destroyed.⁵⁶ Sightings of illegal foreign fishers in Australia's Northern Ocean had declined by 80 per cent and in particular, sighting of foreign fishing vessels in the Gulf of Carpentaria had declined 90 per cent.⁵⁷ Senator Abetz reiterated that the Howard government's tough 'apprehend-

⁵³ Meryl J. Williams, *Enmeshed: Australia and Southeast Asian Fisheries*, (Sydney: Lowy Institute, 2007) 39 - 40

⁵⁴ Commonwealth of Australia, *Parliamentary Debates*, House of Representatives Official Hansard, Wednesday, December 6, 2006, 82-83

⁵⁵ Eric Abetz. "Progress in the War against Illegal Fishing," January 4, 2007.

<https://www.couriermail.com.au/news/national/foreign-fishing-boats-netted/news-story/22aac9ef60ad4ba82d25b0cdc5faf5af> and Commonwealth of Australia *Parliamentary Debates*, The Senate Official Hansard, Questions without Notice, Illegal Fishing. Monday, March 26, 2007, 29 - 31

⁵⁶ *Parliamentary Debates*, The Senate, March 26, 2007, 29 - 31

⁵⁷ *Parliamentary Debates*, The Senate, March 26, 2007, 29 - 31

and-destroy' approach to illegal foreign demonstrates that his government's policy was working.⁵⁸

4. Strategic Debates – Australia and the Northern Ocean

4.1 1976 – 2016

Over the course of four decades since 1976, statements by Australian governments in relation to defence have consistently mentioned the Northern Ocean. In 1976, unfavourable conditions in Southeast Asia, while not a direct threat could introduce strategic uncertainties. The white paper focused on traditional threat concepts but did argue that potentially unfriendly powers could harass Australia's maritime zone.⁵⁹ Therefore, the 1976 white paper detailed the development of the interim naval bases to cover the gap between Darwin and Cockburn Sound in Western Australia into more substantial bases. Darwin's centrality to the maritime zones of the Indo-Pacific ensured the city would play a prominent role as a maritime hub for significant defence activity in the Northern Ocean.⁶⁰ Moreover, the white paper stated that the geography of the Indonesian archipelago along with Papua New Guinea alone should render the security and sovereignty integrity of these states as important to Australia.⁶¹ In essence, it is though this archipelagic region that a route could be taken by a state that wished to pose a significant military threat to Australia.

The 1986 Dibb review of Australia's defence capabilities assessed that the air – sea gap in Australia's norther hinterland was a formidable barrier.⁶² Furthermore, the 1987 white paper stated that Australia's region of strategic interest lies in Southeast Asia and reinforced that any island nation's principle concern was to protect its sovereignty and maritime resources.⁶³ These defence statements are not specific on the threat from non-traditional threats such as IUU fishing in the Northern Ocean region but, it is apparent from the defence statements that any threat would be predominately

⁵⁸ *Parliamentary Debates*, The Senate, March 26, 2007, 29 - 31

⁵⁹ D.J. Killen, *Australian Defence*, (Canberra: Australian Government Publishing Service, 1976), 6-9

⁶⁰ Killen, *Australian Defence*, 44 - 45

⁶¹ Killen, *Australian Defence*, 7 - 9

⁶² Paul Dibb, *Review of Australian Defence Capabilities*, (Canberra: Australian Government Publishing Service, 1976), 2 - 4, 38

⁶³ K. Beazley, *The Defence of Australia* (Canberra: C.J. Thompson Commonwealth Government Printer, 1987), 12 - 18

maritime. Interestingly, during this period, the existing dysfunctional aerial surveillance system of the Northern Ocean would be centralised under the aegis of the Australian Customs Service.⁶⁴ Centralising the aerial surveillance provided credible reporting of contacts and increased detection of illegal Indonesian fishing boats. Derek Woolner points out that coastal surveillance with its increased public profile had become a political issue.⁶⁵

The Keating Government's white paper of 1994 was the first defence statement post the Cold War and the first paper to view Australia's engagement with the region through the broader Asia-Pacific lens.⁶⁶ However, the white paper bemoaned the vulnerability of the Northern Ocean region and stressed to defend such a sparse region Australia's defence force must be mobile across this northern domain.⁶⁷ While this challenge was posed through a traditional security lens, the enormity of the Northern Oceans region was not lost on the government or navy. After a decade of operations, the Darwin Naval Base opened by Queen Elizabeth II in October 1982, had become a key base for maritime forces and countless maritime surveillance missions has been launched from this facility.⁶⁸

The 2003 defence update is the first white paper to discuss the impact of diverse internal and transnational problems in Southeast Asia and the likelihood that they could lead to security challenges like illegal fishing among other non-terror related challenges.⁶⁹ In 2005, the greater focus of Australian cooperation with Indonesia was on common interests such as border protection and terrorism. As well, a broader strategic lens saw the importance of sharing maritime domain awareness.⁷⁰

In 2016, the Government considered that firstly, Australia and Indonesia share a maritime border; secondly, both nations have enduring interests in the security and stability of Southeast Asia and of the regions maritime

⁶⁴ Derek Woolner, *The Developing Policy Pressures in Australian Coastal Surveillance*, (Canberra: Department of Parliamentary Library, 2001), ii- iii

⁶⁵ Woolner, *The Developing Policy Pressures in Australian Coastal Surveillance*, 13 - 18

⁶⁶ Robert Ray, *Defending Australia* (Canberra: Australian Government Publishing Service, 1994), iii-iv

⁶⁷ Ray, *Defending Australia*, 21-22

⁶⁸ J. Moore, *Defence 2000: Our Future Defence Force* (Canberra: Commonwealth of Australia, 2000), xi, 20 - 21

⁶⁹ Robert Hill, *Australia's National Security: A Defence Update 2003* (Canberra: Commonwealth of Australia, 2003), 18-19

⁷⁰ Robert Hill, *Australia's National Security: A Defence Update 2005* (Canberra: Commonwealth of Australia, 2005), 14 - 16

domain.⁷¹ Illegal fishing incursions are not discussed in the white paper, as the priorities were focused on the free movement of trade, countering terrorism and people smuggling in this maritime region.⁷² However, the government was keen to pursue greater cooperation on broader maritime security activities with a view to enhancing capacity within the Northern Ocean region.⁷³ Capacity building has been a key element of Australia's defence cooperation program for the region.

Significant effort goes into working with Australia's neighbours including Indonesia; the 2016 white paper reinforced that Australia's commitment to a strong security architecture, including the East Asia Summit, the ADMM-Plus and the ASEAN Regional Forum. These regional groups are pivotal to informing and shaping security within the Southeast Asia maritime environment through a strengthened commitment that supports transparency and cooperation between states.⁷⁴ Attaining success in maritime cooperation between Indonesia and Australia has been a patient undertaking and the last coordinated maritime patrol, AUSINDO CORPAT (Australian and Indonesian Coordinated Patrol) 2017 occurred in May 2017.⁷⁵ This maritime cooperation commenced in Bali and patrolled Australian and Indonesian waters over a ten-day period; this was the seventh iteration of this activity. While, this coordinated may not appear to deliver tangible results such as apprehensions of illegal fishing vessels, the trust and confidence building from such an undertaking should not be understated.

4.2 Redefining the Region.

Australia has recently re-energised its geopolitical narrative. Whilst the term Asia- Pacific has underpinned the strategic and economic lexicon for some time, the term Indo- Pacific has emerged from a geographical footnote

⁷¹ Marise Payne, *Defence White Paper 2016* (Canberra: Commonwealth of Australia: 2016), 125-126

⁷² Payne, *Defence White Paper 2016*,125

⁷³ Payne, *Defence White Paper 2016*,75

⁷⁴ Payne, *Defence White Paper 2016*,75 and D. Richardson and M. Binskin, *Defence Annual Report 2015-2016*, (Canberra: Commonwealth of Australia), 54-55 <http://www.defence.gov.au/annualreports/15-16/Features/20-DefenceCooperation.asp>

⁷⁵ 3. Australia and Indonesia unite to patrol fisheries <http://news.navy.gov.au/en/Jun2017/Operations/3797/Australia-and-Indonesia-unite-to-patrol-fisheries.htm#.XX247m5uLD4>

to become a geopolitical reference point.⁷⁶ A recent Australian Chief of Navy, Vice Admiral Griggs explained that the term Indo-Pacific is useful because it places emphasis on two vital oceans: the Pacific and the Indian whose interconnectedness the nations of the Indo-Pacific rely on for their maritime trade and prosperity.⁷⁷

Rory Medcalf presents a broadly accepted definition of the Indo Pacific: ‘...recognising that the accelerating economic and security connections between the Western Pacific Ocean and the Indian Ocean region a creating a single strategic system’.⁷⁸ This demonstrates an awareness of the rise of China and India and the expansion of their economic, strategic and diplomatic objectives and arguably, their primary maritime concerns, coupled with the enduring strategic presence of the United States. On Medcalf’s rationale, the term “Indo Pacific” has distinct merits, firstly, it is an objective description of Australia’s two-ocean geography, secondly, the term gestures to Australia’s reliance on energy imports across the Indian Ocean, thirdly, the term Indo-Pacific helps to merge Australia into the region rather than remaining on the periphery.⁷⁹

4.3 Indonesia

Indonesia is the world’s largest archipelagic state with over 17,000 islands and 6 million square kilometres of maritime estate under its jurisdiction. In 2016, the Indonesia government released a white paper to foster the country’s maritime identity, the paper called the Global Maritime Global Fulcrum (GMF) is the doctrine for Indonesia to become a sovereign, independent and advanced maritime country embracing the maritime spirit of Nusantara.⁸⁰ While the doctrine has seven main pillars, the seventh,

⁷⁶ David Scott, “Australia’s embrace of the Indo-Pacific: new term, new region, new strategy?,” *International Relations of the Asia-Pacific*, Volume 13, (2013): 427 and Brendan Taylor, “The Defence White Paper 2013 and Australia’s Strategic Environment,” *Security Challenges* Vol 9, No 2, (2013): 17

⁷⁷ VADM R. Griggs, “*Girt by Beach, does our National Outlook allow us to meet the geo-security challenges of the Indo-Pacific*,” (Speech: Canberra: February 14, 2014) and VADM R. Griggs, “*Maritime Confidence Building Measures in the Indo-Pacific*,” (Speech: Sydney: August 12, 2013)

⁷⁸ Rory Medcalf, “In Defence of the Indo-Pacific: Australia’s new strategic map,” *Australian Journal of International Affairs*, 68: 4 (14 May 2014): 471-472.

⁷⁹ Medcalf, “In Defence of the Indo-Pacific,” 472

⁸⁰ Dewei Santosa and Fadhillah Nafisah, “Indonesia’s Global Maritime Axis Doctrine: Security Concerns and Recommendations,” *Journal Hubungan International*, Issue X, No 2, (July – December 2017) and Philip Bowring, “Empire

through diplomacy is specifically aimed at ending sources of conflict at sea, in particular IUU fishing and violation of sovereignty.⁸¹ IUU fishing constitutes a significant challenge to Indonesia and imposes significant threats to the sustainment of their fisheries, marine ecosystem and fundamentally their food security. By an official estimate Indonesia faces an annual loss of USD\$ 24 Billion to rampant IUU fishing from nations such as China, Malaysia, Thailand, Philippines and Vietnam.⁸² The Indonesian Foreign Ministry has repeatedly stated that there are 5000 illegal fishing vessels in Indonesian waters every day, which undermines Indonesian sovereignty.⁸³

Indonesia, in a clear signal to its Southeast Asian neighbours, publicly destroyed 71 impounded foreign vessels to cap the 2016 Indonesian Independence Day celebrations and then destroyed a further 81 foreign fishing boats in April 2017. In total Indonesia has sunk 317 foreign fishing vessels since President Widodo took office, this policy sits very well with Indonesian nationalism.⁸⁴ Indonesia has demonstrated a willingness to confront and challenge China over fishing rights around the Natuna Islands where the Indonesian EEZ overlaps with the nine-dash line. For example, in March 2016, Indonesian authorities tried to arrest a Chinese FFV near the Natuna Islands, but a Chinese coast guard cutter rammed the Indonesian vessel to prevent the arrest. The Chinese government's position is that the Natuna Island region is a Chinese 'traditional fishing ground'.⁸⁵ Most recently, Indonesia has inaugurated the establishment of an integrated

of the Winds: The Global Role of Asia's Great Archipelago," (London: I.B. Tauris, 2019) 1 - 6

⁸¹ Joko Widodo, "National Document of Indonesian Ocean Policy," (Jakarta: Ministry of Law and Human Rights, 23 February 2017) and 1. Peter Chalk, "Indonesia's Maritime Strategy: What's been Achieved," *The Strategist*, September 5, 2017

⁸² Santosa and Nafisah, *Indonesia's Global Maritime Axis Doctrine*, 90

⁸³ Santosa and Nafisah, *Indonesia's Global Maritime Axis Doctrine*, 90

⁸⁴ Chalk, "Indonesia's Maritime Strategy,"

⁸⁵ Alan Dupont and Christopher Baker, "East Asia's Maritime Disputes: Fishing in Troubled Waters," *The Washington Quarterly*, 37:1, (March, 12, 2014) 85-86 and Michael Field, "How China's illegal fishing armada is plundering the South Pacific," March 30, 2016, <https://thespinoff.co.nz/30-03-2016/how-chinas-illegal-fishing-armada-is-plundering-the-south-pacific/> and Anthony Bergin, "China's distant water fisheries: it's not just about fish," *The Strategist*, June 15, 2015 <https://www.aspistrategist.org.au/chinas-distant-water-fisheries-its-just-not-about-the-fish/print/>

military unit on Natuna Island to demonstrate its ambition to protect its sovereignty.⁸⁶

5. Conclusion.

Australia's Northern Ocean has been fished for centuries by fisherman from Asia, but as Australia the colony expanded and as a new federation emerged the burden of responsibility of Australia's maritime sovereignty was being realised by Australian political leadership. Both World Wars focused defence procurement and resource protection did not attract significant attention beyond piecemeal political considerations and a few small ill-equipped patrol craft. Additionally, influencing the challenges of resource protection was the lack of a coherent governance, progress and political bickering, compounding administrative and legal cooperation between states and the federal government. However, in 1964 the government finally made a deliberate procurement decision, providing patrol boats for the navy that would provide the on-water surveillance and enforcement that had been argued for since federation, some half a century earlier.

Patrol craft have become an enduring feature of defence procurement; the bases that housed them had become major defence hubs in the north of Australia. The 1968 operational vignette provides an example of determined public policy to ensure protection of Australian maritime resources. More recently, the term Indo-Pacific has emerged to include Australia intellectually into the region rather than remaining on the periphery of geopolitical consciousness. Conceptually, the Indo-Pacific affords Australia an opportunity to take a broader globalist view of the strategic environment. Additionally, Indonesia has significant pressures on its vast maritime domain with 5000 illegal fishing incursions, which reinforce fish and the region as an intertwined strategic issue. For Australia, there is a century of lessons from Australian constabulary operations in Australia's Northern Ocean. As an emerging new state coming to terms with the enormity of its maritime domain in which the political policy creation reflects a mix of indifference, pragmatism and determination. However, at this intersection of traditional and non-traditional security challenges, there is opportunity for Australia and Indonesia to build upon trust and confidence to provide the security and sovereignty in our connected ocean.

⁸⁶ Tiola, "Jokowi's Global Maritime Fulcrum: 5 More Years?", *The Diplomat*, June 11, 2019

Maritime Spatial Planning to Facing the Dangerous Impact of Marine Pollution

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1. Introduction.

The Border Area is strategic in maintaining the integrity of the country's territory, so special management is needed. The management of national borders and border areas is needed to provide legal certainty regarding the scope of the country's territory, the authority to manage state territories, and sovereign rights, and be carried out with joint welfare, security, and environmental sustainability approach. Border areas are also characterized by a variety of transboundary law violation activities such as illegal trading, illegal mining, illegal dredging/sand, illegal migration, illegal logging, human trafficking, people smuggling, smuggling of goods, illegal fishing, piracy, etc.

Environmental pollution is one of the impacts of various activities at sea. One of the causes of seawater pollution is waste oil from shipping activities and offshore oil production. In 1982, the United Nations in the United Nations Convention on Law of the Sea 1982 (UNCLOS 1982) Article 1 paragraph (4), defined sea pollution as: "Pollution of the marine environment" means the introduction by man directly, or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of seawater and reduction of amenities.

There are two criteria used to classify sources of pollution, namely: based on the activity causing the occurrence of pollution (seabed activity, dumping, navigation) and based on the way pollutants enter the

environment (pollution from land and atmospheric pollution). For example, in 2009, Indonesia experienced cases of pollution of the marine environment, which eventually led to disputes with private parties related to such pollution. On August 20, 2009, there was an explosion in the Montara oil field in Australia's Exclusive Economic Zone (EEZ). The explosion resulted in the spill of crude oil which extended to the EEZ region of Indonesia. The Montara oilfield explosion became the largest case of oil overflow in the Montara oil field in the Timor Sea, which is located on the north coast of Australia. The Montara oil field is located on the Kimberley coast, 250 km north of Truscott, and 690 km west of Darwin. This case is one of the biggest oil disasters experienced by Australia. The oil flow occurred since 21 August 2009 and continued until 3 November 2009. The Australian Embassy in Jakarta explained that crude oil began flowing into the Timor Sea on 21 August 2009, and provided notification to the Government of Indonesia after satellite images were obtained on 1 September 2009 which shows that oil spills flowed towards ZEE Indonesia in the form of lumps. As a further step, on October 28, 2009, the Minister for the Environment, Heritage and the Arts, Peter Garrett, explained directly to the Indonesian Minister of the Environment, Gusti Muhammad Hatta, regarding the problem the Montara oil spill. Losses caused by oil spills pollute the Region of Indonesia, Australia, dan Timor Leste. The Government of Indonesia, together with Australia, is responsible for maintaining and protecting the environment. However, the process of settling compensation from the polluter (PTTEP AA) to the Indonesian government and the people of Rote Island has not been realized. Several negotiation activities have been carried out from 2010 to 2012 which ended in deadlock. The Government of Indonesia through the Ministry of Maritime Affairs in 2016-2017 accompanied the Ministry of Environment and Forestry to hold a lawsuit in the Jakarta district court, but PTTEP AA was not present.

Since 2018, the Ministry of Law and Human Rights has begun to participate directly in facilitating the preparation of further lawsuits that are planned to be brought to the international court. Until this article was compiled, the struggle of the Indonesian government and the people of Rote is still ongoing. As we all know, there is currently a potential area for oil fields with huge reserves found on the border between Indonesia and Australia, known as the Masela Block. Based on the background above, the author is interested in raising the issue considering that in the border waters there is also the Masela Block Rig located in the Indonesian Exclusive Economic Zone (EEZ) region, we anticipate that events like what happened in the Montara

Case, are not repeated, so it is necessary together think about how to prevent it.

2. Operational Evaluation.

Indonesia is an archipelagic country or often called the Archipelagic State. The position of Indonesia is flanked by several countries such as Malaysia, Singapore, the Philippines, Australia and has a strait that connects trade routes between one country to another. One of the causes of seawater pollution is waste oil from shipping activities and offshore oil production. Oil spills that occur at sea generally come from densely populated areas of sea traffic and petroleum activities such as transportation of oil using ships, also often used as a place to conduct cross-border trade transactions and make Indonesia and the surrounding countries vulnerable to environmental pollution caused by goods transporting vessels and oil ships.



Figure 1. Shipping Routes Around the Strait in Southeast Asia

At least about 7 million barrels per day of crude oil pass through the Malacca Strait, and this amount represents 27% of the total sea transactions in the world. Then 14% goes through Singapore and the rest goes through the South China Sea to Japan and South Korea, and 0.3 million barrels around 1% through South Sumatra Island and as many as 5 to 6 tankers with 250,000 tons passing through the Lombok and Makassar Strait. Therefore, the area is very prone to spills and accidents of tankers and cargo vessels. Listed below

are some cases of oil spills in Indonesian waters whose source can be identified, see Table 1.

Tabel 1. Cases of Oil Spills in Indonesian Waters

No.	Year	Location	Notes
1.	1973	Malacca Strait	The wreckage of the Shownu Maru tanker spilled oil of 1 million barrels of diesel oil.
2.	Feb 1979	Lhokseumawe Harbour	The leaking of the Golden Win tanker carrying 1500 KL of kerosene.
3.	Des 1979	Buleleng Bali Harbour	The Choya Maru tanker accident in December spilled 300 tons of gasoline.
4.	Jan 1993	Malacca Strait	The wreckage of the Maersk Navigator tanker
5.	1996	Natuna Sea	The sinking of KM Hatamas II containing MFO
6.	Oct 1997	Singapura Strait	The Orapin Global ship collided with the Evoikos tanker
7.	July 2003	Palembang	The collision between the power plant PLTU-I / PLN carrying 363 KL IDF with the AN Giang cargo ship caused the Musi river around Palembang to be polluted.
8.	Oct 2004	Indramayu Beach	Crude oil spills from Pertamina UP VIII Balongan, these spills damage the coral reefs where fish nurseries belong to the surrounding communities.
9.	2004	Balikpapan	Oil spills from the company Total E & P Ind. Making the fishermen around can not go fishing for some time.
10.	Aug 2005	Ambon Gulf	The explosion of the fishing boat MV Fu Yuan Fu F66 caused an oil spill into the waters.
11.	2007	Tanjung Perak Harbour	MT Kharisma Selatan, overturned on the Mirah pier and spilled 500 KL Marine Fuel Oil (MFO).
12.	2008	The Indramayu coast, West Jawa	Crude spills caused by accident occurred during an operation carried out by PT Pertamina (Persero) Refinery Unit VI Balongan..
13.	Aug 2010	Indonesia Border, Australia and Timor Leste	The Montara oil well in Australian waters leaked and spilled light crude

No.	Year	Location	Notes
			oil and extended into the Timor Gap which is the border waters of Indonesia, Australia and Timor Leste and around 75% entered Indonesian territory.
14.	2013	Ternate	The Patriot Andalan tanker sank during the kargo operation at the Pertamina Terminal Facility jetty which spilled gasoline and diesel fuel stretching several kilometers.
16.	2015	Tuban	Oil spills due to leaking of Subsea Hose PT. JOB PPEJ.

However, there are also oil spills whose sources are unknown and/or cannot be further processed, as reported by the Maritime Research Center of the Ministry of Maritime Affairs and Fisheries which monitors oil spill pollution using radar satellites (Pranowo, 2018).

Pollution that occurs in Indonesian waters and causing very detrimental impacts makes Indonesia must be prepared for future oil spills and try to prevent oil spills in the future. And do countermeasures quickly related to spills that occur in the waters and the deep sea and Indonesian borders. The sea is an area where hydrodynamics are very dynamic, with changes in patterns and speed of currents in seconds. The current will transport and deliver oil spills everywhere following the pattern of speed and direction of the current (Purba et al., 2019).

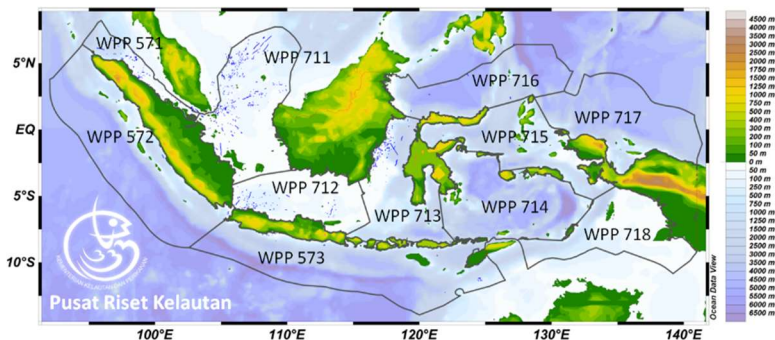


Figure 2. Distribution of 2014-2017 oil spills using radar satellites with almost no source of pollution (Pranowo, 2018)

Table 2. Description of Indonesian International Cooperation in Spills

International Cooperation Agreement	Description
ASEAN Council on Petroleum (ASCOPE)	Agreement with the oil industry to respond to oil spills in the ASEAN region.
ASEAN Oil Spill Response Action Plan (OSRAP)	Regional cooperation plan regarding the response of oil spills among ASEAN members.
Agreement Navigator Safety in The Straits of Malacca and Singapore in 1997 (Tripartite Agreement)	Agreement on pollution control (anti-pollution) in each member country (Indonesia, Malaysia and Singapore)
Sulu-Sulawesi Sea Oil Spill Response Network	Cooperation network for overcoming oil spills in the Lombok / Makassar Strait and the Sulawesi Sea between the Philippines, Malaysia and Indonesia.
Memorandum of Agreement (Indonesia)	Between Indonesia and the Philippines to respond to oil.
The 1997 Treaty between the Government of Australia and the Government of the Republik of Indonesia	ZEE boundaries and seabed boundaries also contain provisions on cross-border pollution in jurisdictions by emphasizing the UNCLOS requirements regarding state obligations to prevent, reduce and control environmental pollution.

3. Strategic Debates.

Oil spills are one of the most serious threats to all marine and coastal environments. Oil spills can cause high economic and ecological damage in marine and coastal ecosystems. Indonesia, as an archipelagic country, is very vulnerable to oil spills because 80% of its territory is water so that it will affect very active maritime traffic. On 21 August 2009 at 07.30 Australian Eastern Standard Time (AEST) or 07.30 Central Indonesia Time (WITA), there was a leak of petroleum in Australian waters in the form of light fraction crude oil and hydrocarbon gas on the Montara rig offshore oil rig operated by PTT Exploration and Production operator Australasia Limited (PTTEPAA). This rig is located in the waters of the EEZ (Exclusive Economic Zone) of Australia, is 252 km from Rote Island, 174 km from Coral Island, Ashmore Island, and 209 km from the West Coast of Australia with a position at 12° 40'20.5" LS and 124° 32'22.3" BT, at a depth of 80 m. Shortly after the leak occurred, the Montara rig caught fire and could only be extinguished a few months later (November 3, 2009). However, oil spills from the refinery leakage are still ongoing, thus polluting the waters around the site.

PTTEPAA informed that crude oil entering the waters is 400 barrels per day. However, the Australian Maritime Safety Authority (AMSA) states that oil spills that enter the water system reach 2,000 barrels per day. Furthermore, based on an official letter from AMSA addressed to the Government of Indonesia conveying that leakage of oil spills amounted to 1,500 barrels per day. Furthermore, 3 to 4 Oil spill leaks can be closed on November 3, 2009, at 17.15 local time. The fires on the Montara rig and its surroundings in the Timor Sea can be extinguished. Since there was an oil leak on the Montara offshore platform until the leak stopped, there were a total of $\pm 30,000$ barrels (PTTEPAA) or $\pm 150,000$ barrels (AMSA) or $\pm 112,500$ barrels (AMSA official letter addressed to the Indonesian Government) of oil entering the waters for 75 days after oil leakage in the Montara offshore oil rig.

4. Current Ideas.

In connection with the problems in this study involving Indonesia and Australia, there are several forms of cooperation, both bilateral, regional and international in terms of protection and maintenance of the cross-border marine environment.

4.1. Bilateral Cooperation MoU between the Government of Australia and Indonesia on Oil Pollution Preparedness and Response 1996.

Contains the following cooperation items:

- a. Promotion of mutually beneficial cooperation in readiness within responding to oil pollution at sea;
- b. Cooperation in information exchange for incidents of oil pollution at sea;
- c. Field inspection at the location of the oil incident at sea that is happening for mutually beneficial cooperation between the two parties;
- d. Joint training and education for better capacity building;
- e. Promotion to conduct research and research in creating the necessary measures, techniques, standards, and equipment; and
- f. Emergency response cooperation such as mobilization of personnel, logistics and other equipment needed in an emergency situation, and others.

4.2. Regional Cooperation Within ASEAN.

One collaboration regarding oil pollution relevant to the problem under study is MoU for ASEAN Oil Spill Response Action Plan (ASEAN-OSRAP) 1992, containing the following items of cooperation:

- a. Enhancing the ability of participating countries to respond to pollution incidents oil in the sea that occur in the territory of ASEAN countries;
- b. Establish a cooperation scheme for the delivery of mutual assistance benefit among ASEAN member countries;
- c. Make disaster management procedures in responding to pollution incidents oil in the sea that occur in the territory of ASEAN countries; and
- d. Creating external and internal assistance schemes needed in responding to incidents of oil pollution at sea that occurred in the ASEAN region, and others.

4.3. Global Cooperation.

One of the global collaborations regarding the handling of oil pollution which is quite relevant to the problem in this research is International Convention on Civil Liability for Oil Pollution Damage (CLC) dan the International Oil Pollution Compensation (IOPC) Funds 1992, which contains items of cooperation, among others:

- a. The CLC is intended to ensure that adequate compensation is available for parties affected by marine pollution due to oil spills originating from ship accident.
- b. In the CLC, unless it is proven that an absolute fault lies with a party there is a limit of liability (limit of liability) for the amount of compensation borne by the parties involved in a sea pollution incident. Therefore, IOPC Funds provide additional funds if the losses incurred exceed the limits of liability outlined in the CLC, etc.

4.4. International Dispute Resolution Related to Sea Pollution.

Dispute resolution that should be taken when an international dispute arises for the creation of international peace and security is the peaceful resolution of disputes contained in article 33 of the Charter which lists several peaceful ways of resolving disputes, including negotiation, investigation or inquiry, mediation, conciliation, arbitration, judicial settlement or court, and international organization. Of the seven methods of dispute resolution listed in the Charter, then grouped into two parts, namely Diplomatic/political dispute resolution, and legal dispute resolution. Which includes diplomatic

dispute resolution are, Negotiations, Inquiry, Mediation, Conciliation. Whereas those included in legal dispute resolution are, Arbitration and dispute resolution through the court. Also, in international law, the public is known to settle disputes using good services or good offices that can also be classified as diplomatic dispute resolution.

5. Conclusion.

Based on the above writing, several conclusions can be drawn as follows:

- a. Protection of marine environment pollution is a problem that is cross-border in nature so cooperation is needed between the countries, in this case, the countries in the Southeast Asia region as mandated by international environmental law contained in the 1982 sea law convention. Besides that, no less important is three factors serve as the basis for overcoming pollution of the marine environment, namely the legality aspect, the completeness aspect and the coordination aspect that the author has described above so that the problem of environmental pollution can be completely resolved;
- b. Countries in Southeast Asia and Australia region should apply the principle of applying the early warning system to accidents that lead to pollution of the marine environment to countries that are considered to be affected by the pollution so that anticipation is as early as possible so that pollution is not widespread;
- c. To the Australian Government to be able to assist and facilitate the Indonesian government and the Rote community in completing claims for compensation claims to PTTEP AA, which is based in Australia; and
- d. Routine monitoring of events when oil spills occur at sea, especially in border areas. Monitoring that can reach all of Indonesia, of course, with satellites, radars, and other vehicles.

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Illegal, Unreported and Unregulated Fishing Eradiction by Indonesian Regulation

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1. Introduction.

As an archipelagic state with vast sea areas and abundant biological natural resources like fish, Indonesia suffers a lot of losses due to illegal fishing without a permit or foreign term also known as illegal, unreported and unregulated fishing (IUU Fishing). In the last decade, the loss suffered by Indonesia due to fish theft is estimated at 25 billion USD. (www.CNBCIndonesia.com). This loss does not include the multiplier impact of IUU Fishing activities, such as reduced foreign exchange earnings, damage to marine resources, aquatic ecosystems, reduced livelihoods of fisheries workers, violations of the fisheries sovereignty of countries, and other losses (www.CNNIndonesia.com). According to data has published by the Central Statistics Agency, Indonesia's fisheries potential reached 6.5 million tons per year in 2015. Even in the administration of President Joko Widodo, according to the Minister of Maritime Affairs and Fisheries, the value of losses due to illegal fishing could reach US \$ 20 billion, or Rp 240 trillion per year (Minister Susi: *Losses due to Illegal Fishing Rp 240 Trillion*).

Fisheries criminal acts are mostly carried out by fishermen, especially in the Indonesian Exclusive Economic Zone by both Indonesian domestic and foreign fishermen. Indonesia is top ranks in the intensity of illegal fishing with IUU fishing activities reaching 1.5 million tons per year (World Ocean Review, 2017). It can be said that Indonesia is the center of IUU Fishing and is the country most disadvantaged by IUU Fishing. The modus operandi of IUU Fishing for violators which is mostly done are: a) ship without documents; b) has a permit but violates the provisions on fishing gear and fishing ground, port of call; c) falsification of documents; d) manipulation of requirements

(deletion certificate, bill of sale); e) transshipment at sea and never report at port; f) double flagging fisheries (using two different national flags); g) the use of foreign crew; and h) minimal operational fuel support (www.Kompas.com).

In the management of fisheries resources, the government divides of the territory of Indonesian fisheries management (WPPI), namely the internal waters, the archipelagic waters, the territorial sea, the contiguous zones and Indonesia's exclusive economic zone (EEZ). Criminal fishing in the form of fishing without a permit (illegal fishing) is more common in Indonesia's Exclusive Economic Zone.

The Exclusive Economic Zone is an area outside and adjacent to the territorial sea, which does not exceed 200 nautical miles from the baseline from which the width of the territorial sea is measured outwards (Articles 55-57 UNCLOS 1982). It is also stated in Article 5 of Law Number 5 of 1983 concerning IEEZ, that IEEZ is an outside lane and borders with Indonesian sea territories as determined under applicable laws concerning Indonesian waters which include the seabed, the land beneath and water above it with an outer limit of 200 nautical miles is measured from the sea baseline of Indonesian territory. In the EEZ region, Indonesia has sovereign rights over natural resources, in this case fisheries resources. Where the exploitation of fisheries resources, the determination of fishing grounds, as well as the boundaries of fishing areas in this zone have been arranged in such a way as to maintain the preservation of fisheries resources. Unlike in the territorial sea, the coastal state has full sovereignty.

2. Current Idea.

Law enforcement is currently still a difficult homework for the government. Indonesia's territorial waters which reach 72.5% (Pusdatin KKP, 2019) pose a major challenge to the Indonesian Navy, Marine Police, and related agencies to ensure security and protection of Indonesian jurisdiction. Illegal fishing is one of the most massive violations committed in Indonesian waters. Illegal fishing is carried out by foreign fishing vessels that illegally enter the territorial waters of Indonesia, and carry out fishing without government permission. This practice has been very detrimental to the country each year, and even according to the Minister of Maritime Affairs and Fisheries Susi Pudjiastuti, that the state loss reached Rp 240 trillion (www.DetikFinance.com). And also, the practice of illegal fishing causes other losses, namely damage to the marine ecosystem.

The vast Indonesian sea and the lack of high-patrol boats with the outer limit of Indonesia's EEZ to enforce the law against fisheries criminal offenses results in high rates of illegal fishing by foreign fishing vessels that threaten the availability of fish at sea to consume local markets and threaten the availability protein and national food security. Today, foreign illegal fishing activities are more increase, especially because the foreign fishermen have used high-tech vessels that threaten Indonesian fishermen, especially Indonesian traditional fishermen.

The obstacles have faced by one of them is the lack of cooperation and coordination inter-agencies that have the authority to enforce the law against criminal acts at sea, such as the Navy, Marine Police, Maritime and Fishery Ministry Supervisory Vessel, which use the principle of multi-agency multi-task. Although on paper each agency has different roles, in practice there is often overlapping authority, so law enforcement is not optimal. It will lead to weak law enforcement, budget inefficiencies and lack of harmony among government agencies, which will never happen if you want to defend the Indonesian sea. So it is felt necessary to create coordination between agencies for the creation of efficiency and effectiveness in the implementation of security and law enforcement. In fact, in Law Number 32 of 2014 concerning Maritime Affairs, Indonesian Maritime Security Agency (*Badan Keamanan Laut or Bakamla Indonesia*) has been formed to create harmony in coordination between agencies on securing the sea.

The illegal transshipment at sea is a serious problem because it is included in the illegal fishing mode, namely through the transfer of fish loads that occur in the middle of the open seas from one ship to a foreign ship without reporting the catches. Categorized as one form of Transnational Organized Crime (TOC) criteria, covering crimes committed in one country, but involving organized criminal groups originating from some countries. Indonesia experiences illegal fishing because there is still no fulfillment of infrastructure and regulations that are less strict from the government, there is also no awareness among fishermen themselves, and they still not yet understand as fishing zones that may or may not be caught, which causes many Indonesian fishermen to be caught by neighboring countries apparatus.

Often high-tech foreign fishing vessels catch fish in the shallow waters of Indonesia's sea illegally by using fishing gear that is very dangerous for the marine environment in the form of small diameter nets with ballast tools. The catch fish is immediately put on the mother ship and immediately taken

abroad. The impact of fishing has also led to the capture of small fish and damage to coral reefs and seaweed.

It can be seen that the practice of illegal fishing, which by the international community has been classified as transnational organized crime, will certainly create a series of problems if these adverse conditions are not resolved immediately. The government is not without action. Article 69 paragraph (4) in Law Number 45 of 2009 concerning Fisheries (Article 69 paragraph 4) has a series of legal basis related to law enforcement against illegal fishing, one of which is the possibility of sinking and burning ships that commit criminal acts of fisheries at sea territorial even though the release with bail to the boat which is proven to catch fish in IEEZ can be done (Article 73 paragraph 2 UNCLOS 1982 and the fisheries law which is still valid, namely Article 104 of Law Number 31 of 2004 concerning Fisheries), exemption with money This guarantee cannot be carried out because it requires implementing regulations.

3. Statement Problems.

Based on the background, several problems are identified as the basic of writing in maritime studies in the context of eradicating illegal fishing activities (IUU Fishing). The problems in this paper are:

- a. How does it enforce the law against IUU Fishing?
- b. How is the Cooperation between Indonesian Law Enforcement Agencies to prevent and eradicate IUU Fishing?

4. Discussion.

- a. Law enforcement against IUU Fishing.

Factual threats that occur against natural resources in the sea one of which is in the form of illegal, unreported, unregulated fishing (IUU fishing); In 2011, 20 to 30 percent of tuna, around 3,889-6,500 tons, were illegally exported and not reported to the United State. According to FAO data, around 90% of the world's fish stocks have been exploited on a large scale and according to WWF 2015 data threatened more than 85% of global fish stocks and threatened 65% of Indonesia's coral reefs (www.kkp.go.id).

Related to the main problem of illegal fishing mode by foreigners continues to grow. The modes of operation of IUU Fishing in Indonesia include: 1) falsification of vessel registration documents; 2) double flagging and double registered; 3) fishing without permits/shipping documents; 4) illegal vessel modification (markdown, changing call sign,

engine); 5) use foreign skipper and crew; 6) does not activate the vessel monitoring transmitter and Automatic Identification System (VMS and AIS); 7) illegal transshipment; 8) logbook data falsification; 9) violations of fishing routes; 10) the use of prohibited fishing gear; 11) does not have/partner with a Fish Processing Unit; and 12) do not land fish in the port specified in the permit.

Enforcement of laws against fisheries criminal offenses in Indonesian waters both in the territorial sea and in IEEZ by applying Law Number 45 of 2009 concerning Amendments to Laws Number 31 of 2004 concerning Fisheries and Law Number 5 of 1983 concerning IEEZ.

According to Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries, it is stated that investigations in criminal offenses in the field of fisheries are civil servants, Navy Officers, and officials of the Republic of Indonesia state police (Article 73 paragraph 1). This law also gives the Indonesian Navy exclusive authority to carry out investigations into criminal acts in the field of fisheries carried out in the IEEZ (Article 73 paragraph 2). Investigator means making a case file to submit it to the State Prosecutor's Office (Article 73 paragraph 4 of Law Number 31 of 2004 concerning Fisheries).

Patrol vessels including the Indonesian Navy Ship, the Marine Police Boat and the Maritime and Fishery Ministry Supervisory Ship based on the aforementioned laws also have the authority to carry out law enforcement (chasing, catching and bringing catching vessels to the base), and after making the initial case file then submit further investigation to investigators on land.

Investigators on the ground (command of the Navy's main fleet/main naval base), the Office of Supervision of the Ministry of Maritime Affairs and Fisheries and the Directorate of Marine and Air Police conduct an investigation until it is finished in the form of case files. After investigators on the ground have finished conducting further investigations, they submit the case files to the District Court Office, if the case file is complete (P-21) declared by the District Court Office, the suspect and evidence are handed over by the investigator and submits the case files to the Court.

Sentences for fisheries who are locus delicti in the territorial sea can be sentenced to imprisonment (body) and/or a fine (money), whereas in IEEZ only fines do not apply to imprisonment unless there is an

agreement between the Government of the Republic of Indonesia and the government of the country concerned (Article 102 of Law Number 31 of 2004 concerning Fisheries).

Sanctions in the form of sinking and burning of ships given by the Minister of Maritime Affairs and Fisheries, related to violations of foreign vessels against fishing in the territorial waters of Indonesia, do not make the perpetrators of these fishery criminal offenses feel deterrent. Rather, it is increasingly triggering strategic efforts or the latest ways that have been designed, so that it can cause huge economic losses in Indonesia.

b. Cooperation between Law Enforcement Agencies.

Based on Article 73 paragraph (1) of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 three agencies have the authority in carrying out law enforcement against criminal acts of fisheries at sea. The three agencies are supposed to cooperate in conducting law enforcement at sea.

The three agencies are the Ministry of Maritime Affairs and Fisheries, the Indonesian Navy and the Indonesian National Police. For the National Police, they do not have the authority to enforce the law against fisheries crime in IEEZ (Article 73 paragraph (2) of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004).

Task Force 115 is named in the handling of Criminal Acts in the Fisheries, investigators who are members of Task Force 115 consist of investigators of the Indonesian National Police; Indonesian Navy; and Ministry of Fishery Affairs Civil Servants and Bakamla as well. The Maritime Security Agency has the task of conducting security and safety patrols in the territorial waters and the jurisdiction of Indonesia (Article 61 of Law Number 32 of 2014), in carrying out the duties and functions referred to in Article 61, the Maritime Security Agency has the authority to: a. make an immediate chase; b. terminates, inspect, capture, carry and deliver the ship to the relevant agency authorized to carry out further legal proceedings; and c. integrate security and safety information systems in Indonesian territorial waters and Indonesian jurisdictions. The authority as referred to in paragraph (1) is implemented in an integrated and integrated manner in a single unit of command and control (Article 63 of Law Number 32 of 2014).

Law enforcement agencies that have a patrol task force at sea are the Navy; the Marine Police; Director-General of Sea Transportation;

Director-General of Fishery; Director-General of Customs; Bakamla, and Task Force 115. The seven law enforcement agencies carry out patrols related to security at sea in a sectoral manner by the authority they have based on their respective laws and regulations. While law enforcement agencies that do not have a patrol vessel are the Ministry of Tourism, the Ministry of Health, the Ministry of Forestry and Environment, the Ministry of Energy and Mineral Resources, the National Narcotics Agency, and the Regional Government (www.maritimeneews.com).

Of all the law enforcement agencies mentioned above, only the Indonesian Navy, Police and the Ministry of Maritime Affairs and Fisheries have the authority to conduct investigations into fisheries crimes. The form of cooperation between agencies outside the three agencies is that if a fishery crime is caught at sea, the law enforcement agency hands it to the investigator for the investigation and is handed over to the Prosecutor's Office.

Based on Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP), Article 111 paragraph (1) is stated:

In the case of being caught red-handed, everyone has the right, while everyone who has the authority in the task of order, peace, and public security is obliged to arrest the suspect to be submitted along with or without evidence to the investigator or investigator.

Collaboration and coordination with all agencies that have the authority to enforce the law at sea carried out intensively will certainly reduce illegal fishing, this is very influential in IUU fishing because the problem of IUU fishing does not only cover the classic problem of fish theft, but also the problem: unreported fisheries, and unregulated fishing.

Law enforcement at sea, especially regarding illegal fishing by the Indonesian Navy and other law enforcement agencies, has the authority by national legislation and international treaties that have been ratified based on the sea legal regime regulated in UNCLOS 1982, which must be balanced with security safeguards, including legal framework, law enforcement system, and others. Security governance at sea requires a legal framework and concrete actions because it deals with global issues of maritime safety and security as well as human rights. Several law enforcement agencies work in the marine environment and its resources.

The management of law enforcement is enhanced through cooperation, coordination, integration, and interoperability, which is more emphasized in the internal cooperation of national law enforcement through joint patrols.

Further development of marine technology and patterns of crime at sea is to improve information and communication about problems and values of the marine environment by building a National Maritime Information Center that becomes a means of increasing public participation and awareness on marine and marine issues so that it influences government policies and practices to managing sustainable seas.

5. Conclusion.

a. Enforcement of laws against fisheries criminal offenses in Indonesian waters both in the territorial sea and in Indonesia's exclusive economic zone by applying Law Number 31 of 2004 concerning Fisheries (valid articles) and Law Number 45 of 2009 concerning Amendments to Laws Number 31 of 2004 concerning Fisheries and Law Number 5 of 1983 concerning Indonesia's Exclusive Economic Zone, while investigators in criminal acts in the field of fisheries are civil servants (PPNS), Navy Officers, and officials of the Indonesian National Police (Article 73 paragraph 1).

b. Security governance at sea requires a legal framework and concrete actions because it deals with global issues of maritime safety and security as well as human rights. The management of law enforcement is enhanced through cooperation, coordination, integration, and interoperability, which is more emphasized in the internal cooperation of national law enforcement through joint patrols and building a National Maritime Information Center to be a means of increasing public participation and awareness on marine and maritime issues that affect government policies and practices for managing sustainable seas.

6. Recommendations.

a. The authority to investigate criminal offenses of fisheries is also given to other agencies (in territorial waters not in the IEEZ) in addition to the existing investigative authority on the Navy, Police and the Ministry of Maritime Affairs and Fisheries, for more optimal law enforcement.

b. Cooperation between Law Enforcement Agencies in Indonesia in preventing and eradicating IUU Fishing can be further enhanced to safeguard the sovereignty of the Indonesian economy from the marine sector, especially fisheries.

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The Challenges of Indonesian Marine Resources Empowerment in Economic Development with Blue Economic Approach

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1. Introduction.

The sea has an important role in human life and carries global trade and commerce, it is a crucial source of food and energy, and it is a great highway of strategic and military importance. Today, the ocean environment is also evolving due to our growing familiarity with the ocean and the fact that technological developments make it easier to tap (and plunder) ocean resources. Population growth and urbanization are changing our coastal environment, the demand for fish protein, energy and minerals are increasing, and seaborne trade has expanded. Due to these trends, has been threatening the marine environment depend on and maritime security has become an issue of international concern. The twenty-first century might well be a maritime century, caused in the globalization era, the sea has become the main medium. The increasing role of the sea has affected by pollution and climate change so that we need to do better in caring for the environment, improve international cooperation and maritime security, and ensure good global maritime governance. The ocean economy is a crucial factor in global economic growth and development, offering great opportunities, but it is also susceptible to challenges and risks.

As states have the same responsibilities in their territorial waters as on land, they require the capacity and capability to impose national law and support the enforcement of international law. Maritime governance can be achieved in different ways and though states distribute these responsibilities to various agencies, international cooperation remains crucial for good governance. Evidence suggests that maritime governance failures can cause a variety of environmental, security, safety and economic problems. Coastal

and Island developing countries have remained at the forefront of this Blue Economy advocacy, recognizing that the oceans have a major role to play in humanity's future and that the Blue Economy offers an approach to sustainable development better suited to their circumstances, constraints, and challenges. Geo-strategically, geo-strategically and geo-economically, Indonesia has always been important in environmental sustainability international maritime security. Almost half of the world's trading goods and oil supply pass through key Indonesian straits including the Straits of Malacca and Singapore, the Strait of Sunda and the Strait of Lombok (Carana, 2004, p. 14). It also sits at the crossroads of busy maritime traffic between Europe and the Far East, between Australia and Asia, and between the Persian Gulf and Japan (Coutrier, 1988, p. 186).

This largest archipelago state in the world, which comprises more than 17,504 islands with a maritime territory measuring close to 6 million square kilometers, is located between the two key shipping routes of the Pacific and the Indian Ocean, and between two continents, Asia and Australia (Indonesian MoD, 2008, p. 145), a large sea area, abundant marine resources, considerable maritime infrastructure, and the oceans economy is an important contributor to Gross Domestic Product (GDP). The concept of a Blue Economy as the marine dimension of the broader 'green economy,' which was defined as an economy 'that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities. It has been particularly championed by Small Island and Developing States (SIDS) in recognition of their large ocean jurisdictions and the importance of the ocean and marine industries to their national economies (Silver, Gray, Campbell, Fairbanks, & Gruby, 2015; Whisnant & Reyes, 2015). The blue economy in this case aimed at overcoming hunger, reducing poverty, creating sustainable marine life, reducing the risk of disasters in coastal areas and mitigating and adapting to climate change. The implementation of emerged to reflect the fact that over 72% of the earth's surface is water. The Blue Economy emerged to reflect the fact that over 70% of the earth's surface is water. The oceans are crucial to global sustainability and play a key equilibrating role in the global climate as the primary sink for excess heat and carbon present in the global climate system (UNEP et al., 2012).

The Indian Ocean Rim (IOR), with nearly half the world's population by 2050, in geopolitical terms, is moving away from being identified as the '**Ocean of the South**' to the '**Ocean of the Centre**', and the '**Ocean of the Future**' (Doyle & Seal, 2015); and its core position in terms of global trade,

industry, labor, environment, and security will increasingly shape the planet in the twenty-first century. It is clear that Blue Economy, combining geo-economic, geo-environmental and geo-strategic ordering principles – in all their diverse national and regional symbolic manifestations – will have profound implications on regional foreign policy interests in the next decade and beyond (Doyle, 2016).

2. Operational Evaluation.

The term 'Blue Economy' has increasingly become an integral component of ocean governance vernacular over the past decade since its emergence at the 2012 United Nations Convention on Sustainable Development (UNCSD), or Rio + 20 Conference. The concept was promoted at the Rio + 20 Conference as the marine dimension of the broader 'green economy,' which was defined as an economy 'that results in improved human well-being and social equity, while significantly reducing environmental risks and ecological scarcities' (UNEP, 2011, p. 16). Although since that time there has been increasing interest in the concept of the Blue Economy around the world, yet the term is still employed differently in different contexts, and there is no one universally accepted definition of what the Blue Economy is (Keen, Schwarz, & Wini-Simeon, 2017; Silver et al., 2015). There is strong interest in sustaining and expanding the Blue Economy in the Indian Ocean, driven in particular by the Indian Ocean Rim Association (IORA) and individual countries including Seychelles, Mauritius, India and Australia (Llewellyn, English, & Barnwell, 2016; Mohanty, Dash, Gupta, & Gaur, 2015; National Marine Science Committee, 2015; National Maritime Foundation, 2017; Purvis, 2015, p. 226; Spamer, 2015). Other definitions of the Blue Economy or Blue Growth have been established by the World Oceans Council, the Australian Government, the United Nations, the World Wildlife Fund, the Partnership for the Environmental Management of the Seas of East Asia (PEMSEA), the European Union and The Economist magazine, amongst others (East Asian Seas Congress, 2012; Mohanty et al., 2015; National Marine Science Committee, 2015; The Economist, 2015; United Nations, 2014; Whisnant & Reyes, 2015; WWF Baltic Ecoregion Programme, 2015). There are many commonalities across these definitions, with most incorporating economic, social and environmental objectives, and most highlighting a central role for innovation and integrated management in fulfilling these objectives (Keen et al., 2017)

The future of the world, including Indonesia, are at sea. The 21st Century is often described as The Asia Pacific Century because it sees economic growth in South Asia, China, South Korea, and ASEAN countries. On the other hand, The United Nations (UN) said that in the 21st century as the maritime age, the reason was maritime are the main medium. The facts show that sea and oceans cover $\frac{3}{4}$ (70,9%) of the surface of our blue planet and constitute more than 97% of the biosphere, and are vital for world life, nearly 300,000 species are identified, absorbing 30% carbon dioxide (Co₂) which trigger on global warming. Today the sea has become the concern of humankind because it has provided enormous resources for the needs of human life including sources of food, oxygen, and livelihoods. As stated by Indonesian Vice President Jusuf Kalla in his opening speech at the 2017 Indian Ocean Rim Association (IORA) that “more than three billion people in the world depend their lives on the maritime sector. But, now more than 40 percent of the oceans have been contaminated by pollution that it’s caused by human activity so that the quality of the sea and its resources have decreased. These occur as the growth of industrialization has an impact on the emergence of marine pollution.

Indonesian coral reefs are one of the evidence of damage to the ecosystem in the sea wherein 2012, almost 50 percent of coral reefs were severely damaged and 15 percent had the potential to be lost within 10-20 years because coral reefs are easily stressed and one of the causes is garbage and erosion from the river which eventually leads to the sea. Though, coral reefs are coastal protectors because they will hold and break wave energy. Coral reefs are also a place to find food, live and shelter for various types of the organism at sea. The disparity between the increasing industrial sector which causes a decrease in environmental health has made the world in a dilemma. On the one hand, the industrial sector was needed to increase state revenues to support the sustainability of the country, but the impact caused by environmental damage create a real concern for the communities. So, the government and private sector as industrial drivers are demanded to harmonize on these relationships. The joint solution is needed to solve global problems. In OECD's view, an environmentally friendly growth strategy is increasingly important and OECD encourages and supports new sources of growth through innovation, environmentally friendly strategies and new economic development (blue economy). At the 2008 OECD issue entitled *The Economics Of The Climate Change Mitigation* which is issued if greenhouse gases are not mitigated, in 2050 it will be increased to 70%. And then OECD

requires countries to take more serious action to mitigate global greenhouse gases (GHG).

The terminology of “The Blue Economy” was first introduced by Gunter Pauli in his book, *The Blue Economy: 10 Years, 100 Innovations, 100 Million Jobs* (2004), They wanted a Green Economy in a blue world and thought that this concept was most suitable for management and sustainable development of ocean resources. The Blue Economy includes aspects like fishing, shipping, tourism, seabed, renewable energy, marine environment, and marine biodiversity. The book focusses on these aspects and how the current activities at sea can be adapted more sustainably. A Blue Economy engages regeneration. the Blue Economy is about ensuring that ecosystems can maintain their evolutionary path so that all can benefit from nature’s endless flow of creativity, adaptation, and abundance”.

3. Strategic Debates.

The concept of the blue economy is very suitable for countries with large enough territorial waters, such as Indonesia. Around 75 percent of Indonesia's total sovereign territory consists of territorial waters. Consisting of territorial seas, Exclusive Economic Zones (EEZ), and 12-nautical mile. Indonesia's vast sea area is a potency that needs to be maintained and improved in quality. Based on Fisheries and Aquaculture Statistics in 2012 from the Food and Agriculture Organization (FAO), Indonesia is second ranks in captured fisheries production and top ranking in aquaculture production. Indonesia was also chosen as the second-largest country in the number of ships owned after China. In terms of labor withdrawal, the fishery sector took 2,748,908 workers in 2012, winning fourth place in the world. Central Statistics Agency (BPS) data shows that the agricultural sector only contributed about 2 percent of Indonesia's total GDP in 2013 but has a growth rate that is higher than the overall GDP growth rate, which is 6.86 percent. The growth rate of the fisheries sector is higher than the mining, manufacturing, construction, and service sectors.

According Indonesian Central Bureau of Statistics in 2017, showing it can be seen that the value of the national GDP in 2016 has reached Rp. 9,433 trillion according to 2010 constant prices of 12,406 trillion according to current prices. Based on these data there was an increase of 2.27%, and 2.21% (2015) to 2.56 years (2016). From figure 1. It can be seen that the contribution of fisheries from 2010 to 2016 has been continuing to increase. This is in line with the government's efforts to increase capture fisheries and aquaculture

production. However, these efforts need to be strengthened and improved so that the achievement of national production can be optimized while maintaining the sustainability of resources and ecosystems in Indonesian waters.

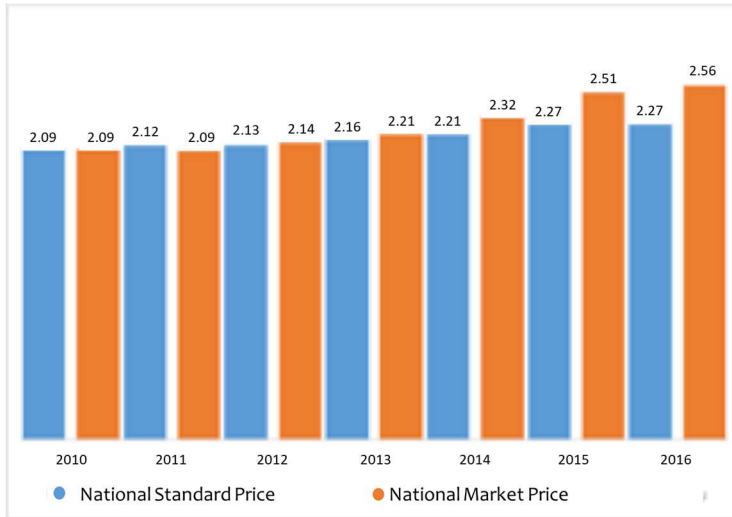


Figure 1. Data on Fisheries Contribution to National GDP
(Indonesian Central Bureau of Statistics on 2017)

This shows the potential that can be developed in the future. Underwater wealth is one of Indonesia's capital to attract tourists, both foreign and local. The Ministry of Maritime Affairs and Fisheries noted that there are 108 water conservation areas with an area of 15.78 million ha, which are expected to increase to 20 million ha by 2020. Underwater beauty in several provinces in Indonesia is also very worldwide and become a diving spot that must be visited by divers, such as Bunaken (North Sulawesi), Raja Ampat (West Papua), and Wakatobi (Southeast Sulawesi). Indonesia's vast sea area is a potency that needs to be maintained and improved in quality. Based on Fisheries and Aquaculture Statistics in 2012 from the Food and Agriculture Organization (FAO), Indonesia ranks second in capture fisheries production and top ranking in aquaculture production. Indonesia was also chosen as the second-largest country in the number of ships owned after China. In terms of labor withdrawal, the fishery sector took 2,748,908

workers in 2012, winning fourth place in the world. Central Statistics Agency data shows the agricultural sector, only contributed about 2 percent of Indonesia's total GDP in 2013 but has a growth rate that is higher than the overall GDP growth rate, which is 6.86 percent.

The growth rate of the fisheries sector is higher than the mining, manufacturing, construction, and service sectors. The blue economy is very closely related to water and marine-based sectors, such as the fisheries, transportation and tourism sectors. The survival of marine life as food and livelihood for residents around the sea is the focus of the blue economy to reduce poverty and hunger. Besides, the sea can be used to produce renewable "blue energy", such as wind energy (wind), waves (heat), heat (thermal), and biomass (biomass). The fact that Indonesia has a large and abundant marine potential is unfortunately not reflected in the socio-economic conditions of coastal communities. Many fishermen live below the poverty line with alarming environmental conditions. The catch of traditional fishermen is also very limited given the lack of equipment used when compared to fishing companies that have ships and more sophisticated equipment. Out of the competition, some fishermen then decided to stop fishing and become fishing laborers at fish companies that did not make them economically better. With limited knowledge and coupled with economic pressures to meet daily needs, the ecological aspects have been neglected. The use of fishing facilities and infrastructure, such as bombs, pots, and trawlers, tends to damage biodiversity and marine life.

The blue economy approach focuses on creative and innovative investments that can ultimately improve the welfare of the community while still paying attention to environmental sustainability. New types of businesses and jobs can be applied around the coast. The waste recycling business, for example, can be an alternative solution to clean the environment around the coast, create new jobs, and reduce waste (zero waste). To be able to support the implementation of a blue economy oriented to creativity and innovation, the government needs to improve the knowledge and skills of coastal communities so they can "experiment" with waste, by-products, and by-products of marine products. By increasing innovation and dissemination of agricultural and marine science and technology is expected to increase the efficiency of capture and cultivation of marine products. Infrastructure that supports the efficiency of maritime activities, such as ports, aspects of processing and marketing of fishery products also needs more attention. By maintaining the quality of marine

biodiversity, the blue economy is expected to support sustainable development.

Since 2017 Indonesia has begun to focus on developing the Blue Economy concept and the maritime sector contributes 20% of the gross domestic product (GDP) annually. The number is believed to continue to increase due to the promising potential of Indonesian maritime affairs. Blue Economy is a concept of development with a marine perspective, not only exploiting marine resources but also maintaining and protecting the marine ecosystem. At present, the national fishing industry is still far behind compared to similar industries in other countries in the Asia Pacific region. The lagging domestic industry is caused by the fish processing industry not running optimally. has been incorporated into the vision of marine and fisheries development as follows: "marine development and fisheries that are competitive and sustainable for the welfare of the community". The competitiveness aspect is emphasized to encourage more optimal utilization of marine and fisheries resources through modernization of production and management systems to produce high value-added products, while the sustainable aspects which are the essence of the blue economy model have been adopted and realized through policies that encourage increased resource efficiency nature, a production system without waste, and social care. Following the principles of the blue economy, marine and fisheries policies should be directed at increasing economic growth and equitable distribution of development through diversification of economic activities to increase the amount and diversity of products that add values to the welfare of society, while still ensuring environmental protection from pollution and damage. The blue economy is a model of economic development that unites the development of marine standards, emphasizing the optimization of the use of technology, industry, land and sea waters, to improve the overall level of utilization of marine resources. The blue economy can be seen as a policy that relies on developing the people's economy comprehensively to achieve national development overall. The development approach with the blue economy model will work in synergy with the implementation of pro-poor (poverty alleviation), pro-job (employment) and pro-environment (environmental conservation).

The use of the blue economy approach as a model of national marine development is expected to be able to answer the dependence between the economy and ecosystems as well as negative impacts due to economic activities including climate change and global warming. The success of the blue economy such as the achievement of the industrialization of the marine

sector in addition to being adapted to the need for adequate labor and technology, also requires breakthroughs, such as improving the chain of upstream to downstream to increase its competitiveness. Marine industrialization in the concept of a blue economy is encouraged to increase added value, competitiveness, modernization of upstream and downstream production systems, strengthening of industrial players, based on key commodities, regions and management systems, sustainable development and social transformation. Marine economic development with the blue economy model is expected to guarantee the sustainability of resource availability, the balance of ecosystems and environmental health, and to encourage the effective use and management of resources. The marine development paradigm by adopting the concept of a blue economy is expected to help the world to face the challenges of climate change, marine ecosystems that are increasingly vulnerable to the effects of climate change and ocean acidification. This is in line with controlling the threat of global warmings, such as flue gas energy and carbon so that sustainable development and integrated poverty alleviation can be realized. With a blue economic approach, marine economic development is expected to be the motor of national development and a new source of growth. The blue economy is not only expected to spur sustainable development but also can maintain environmental health through a low carbon economy. The marine economy with the blue economy model is built based on 4 pillars, namely 1) integration of land and maritime development, 2) clean, inclusive and sustainable development, 3) increasing the added value and competitiveness of products through innovation, and 4) enhancing community approaches that are just, equitable and appropriate.

4. Current Ideas.

The development of the fishing industry as part of the national economic revitalization program is directed at four main steps, namely, increasing the capacity of fisheries human resources and strengthening supporting institutions, securing food security, especially in the context of protein supply originating from fish resources, increasing productivity, production and competitiveness of fishery products, and increasing efforts to diversify fishery products to increase their added value. With the main steps are 1) optimizing and strengthening the business and industry of capture fisheries and aquaculture that are efficient, productive, environmentally friendly, and

following international standards, 2) developing and strengthening businesses and industries processing fisheries products that are efficient, non-waste and integrated with capture fisheries and aquaculture, 3) develop marketing and management systems of fisheries business that are transparent, fair, and beneficial to all parties, 4) develop and strengthen businesses and industries of non-fish seafood processing that are efficient, non-waste, innovative, creative and integrated with production centers. The application of the blue economy in the fishing industry is carried by with the essence of the blue economy, namely natural efficiency, waste minimization, as well as innovation and creativity (Limbong, 2015).

With the blue economic model, marine development will be emphasized on activities that treat all the waste produced from production as an input for the production of other economic activities. The need for cooperation with multidisciplinary domestic and foreign institutions in the implementation of blue economy-based marine governance, given the problems that arise in the efforts of sustainable marine development in such a complex, in the form of research (research) and bilateral cooperation regarding maritime security and the impact arising from climate change. One of the enduring and critical questions often incorporated into discussions of the Blue Economy relates to its sectoral scope. Given the Blue Economy is often thought of as a subset of the ocean economy, identification and valuation of the segments or sectors that make up the ocean economy is often the first step in the process of planning Blue Economy development or identifying potential Blue Economy opportunities (Colgan, 2016). A diverse array of 'taxonomies' of the ocean economy, such as the one outlined in Table 1, have been developed to assist this analysis (Kildow & McIlgorm, 2010, McIlgorm, 2005; The Economist, 2015).

Questions remain as to what differentiates the ocean and Blue Economies concerning sectoral scope; however, it is clear that potential exists within all sectors to improve environmental performance and grow social and economic benefits. In this regard at least, all sectors can become more 'Blue' (Voyer, Quirk, McIlgorm, Azmi, & Kaye, 2017). Maritime security, in common with the Blue Economy, is a term which is widely used yet poorly defined. In an analysis of the term, Bueger (2015) identified four key ways in which the term 'maritime security' is understood. These included: *First*, Sea power: the traditional role of maritime security agencies, particularly naval forces, in the protection of states, including patrolling and protecting sea lanes, claimed maritime zones and delimited maritime boundaries and coastal state rights within these maritime spaces. *Second*, Marine safety:

addressing threats to ships and maritime installations and assets, including responding to maritime disasters and accidents at sea and participating in search and rescue activities. *Third*, Economic development: enforcing laws and regulations to resource use in the oceans, including countering piracy and smuggling and providing a secure maritime environment which enables and supports economic development. *Fourth*, Human security: about ensuring food security and sustainable livelihoods, with a particular focus on Illegal, Unreported and Unregulated (IUU) fishing and human trafficking (Bueger, 2015).

Table 1. Sectors that contribute to the ocean economy (adapted from The Economist, 2015)

Extraction of Non-Living Resources, or Resource Generation	Harvesting of Living Resources	Commerce and Trade in and Around the Ocean	Ecosystem Protection and Management
Seabed/deep seabed mining	Fisheries	Shipping (marine transportation)	Blue Carbon
Oil and gas	Aquaculture	Shipbuilding and repair	Surveillance and maritime security
Water (desalination)	Marine biotechnology	Marine construction (e.g. jetties etc.)	Habitat protection/restoration
Dredging	Recreational fishing and boating		Hazard protection
Energy/renewables (tidal/wave energy; coastal/offshore wind)	Marine transport equipment Manufacturing	Port infrastructure and services	Ecological/ecosystem research
	Seafood processing	Marine services (e.g. mapping monitoring, consulting, maritime insurance, etc.)	Waste treatment and disposal
		Marine education and R&D Coastal development Marine and coastal tourism Defence	

This paper will discuss the role that maritime security will play in the transition to a Blue Economy, with a particular focus on the Indian Ocean Region (IOR) and also focus in Indonesia. It will begin by exploring the co-evolution of these two ambiguous concepts: ‘maritime security’ and the

'BlueEconomy.' It will then review the ways in which maritime security is contributing to Blue Economy activities in the Indian Ocean, using the four categories of the oceaneconomy outlined in Table 1 to frame the discussion: (i) extraction of non-living resources,(ii) harvesting of living resources, (iii) commerce and trade in and around the ocean and (iv)ecosystem protection and management, with particular reference to the four categories of maritime security highlighted by Bueger (2015). Finally, it will summarize and discuss the intersections between maritime security and the Blue Economy.

5. Conclusion.

The marine economy is still a sector that is relatively behind when viewed from the low productivity of the level of resource utilization, the level of technology used, the level of poverty, the level of environmentally friendly, and the interest of medium and large scale investment is relatively less, as well as the amount of capital needed though " the rate of return is also high. For Indonesia the blue economy is the idea of a national marine economic development model that is integrated with mainland economic activities to get maximum added value by utilizing social capital, sustainability and opening up new jobs.The use of the blue economy approach as a model of national marine development is expected to be able to answer the dependence between the economy and ecosystems as well as negative impacts due to economic activities including climate change and global warming.

The success of the blue economy such as the achievement of the industrialization of the marine sector in addition to being faced with the need for adequate labor and technology, also requires breakthroughs, such as improving the upstream to downstream chain in order to increase its competitiveness. Marine industrialization in the concept of a blue economy is encouraged to increase added value, competitiveness, modernization of upstream and downstream production systems, strengthening of industrial players, based on key commodities, regions and management systems, sustainable development and social transformation. Marine economic development with the blue economic model is expected to ensure the sustainability of resource availability, the balance of ecosystems and environmental health, and to encourage the effective use and management of resources.

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climate change and ocean acidification. This is in line with controlling the threat of global warming, such as: flue gas energy and carbon so that sustainable development and integrated poverty alleviation can be realized. With a blue economic approach, marine economic development is expected to be the motor of national development and a new source of growth. The blue economy is not only expected to spur sustainable development, but also can maintain environmental health through a low carbon economy (low carbon economy). The marine economy with the blue economy model is built based on 4 pillars, namely 1) integration of land and marine development, 2) clean, inclusive and sustainable development, 3) increasing the added value and competitiveness of products through innovation, and 4) enhancing a just society approach, evenly and appropriately.

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Human Assistance and Disaster Relief through a Maritime Lens

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1. Introduction.

Indonesia is a region that is very rich in natural resources, however, behind this wealth is also stored the potential for natural movements that can cause disaster. This is inseparable from the fact that the archipelago region is not only surrounded by three active tectonic plates but it is also in the ring of fire. In addition, hydrometeorological conditions can trigger disasters such as floods, landslides, droughts, tornadoes, and extreme waves. In general, natural disaster risks include disasters caused by geological factors (earthquakes, tsunamis and volcanic eruptions), disasters caused by hydrometeorology (floods, landslides, drought, hurricanes), disasters due to biological factors (human disease outbreaks, plant / livestock diseases, pests, pests plants) as well as technological failures (industrial accidents, transportation accidents, nuclear radiation, chemical pollution). Disasters caused by human activities are related to conflicts between people due to the struggle for limited resources, ideological, religious and political reasons. While complex emergencies are a combination of disaster situations in a conflict area.

The devastating earthquake and tsunami that struck Aceh in 2004 has opened the eyes of the Indonesian people, that they are in disaster-prone areas. After the earthquake and tsunami in Aceh, the invasion of domestic and foreign humanitarian assistance and international media entered the territory of Aceh. Areas that were still hit by violent conflict were very closed to international media coverage. However, after the devastating disaster that caused more than 225,000 lives, Aceh has become a worldwide concern. Not only humanitarian assistance is present in the Aceh community but also

those who have an interest in conducting scientific research on the greatest disaster of the 21st century. The Aceh tsunami in 2004 has become a wake up call for the world and Indonesia communities. The problem of disaster has now become a global affair.

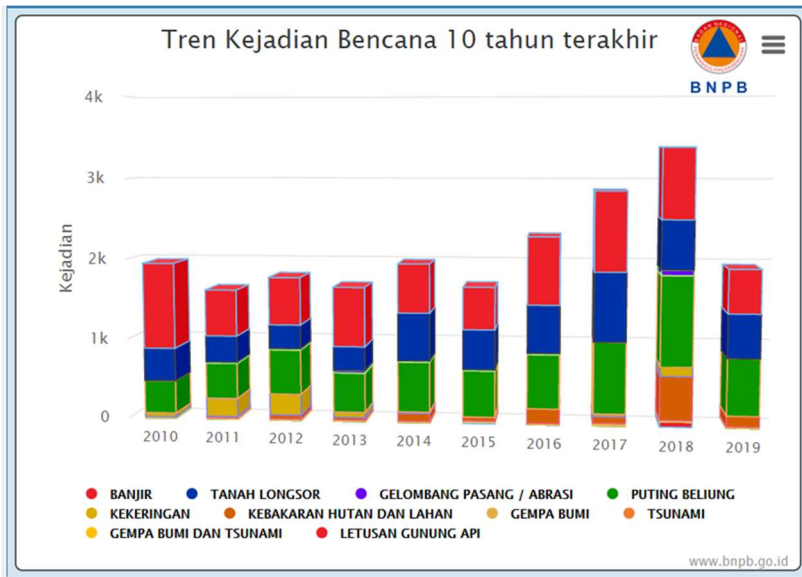


Figure 1. Disasters in Indonesia in the last 10 years Source: BNPB 2019

One component of the nation that always plunges directly in providing assistance to victims of natural disasters in Indonesia is the Indonesian Armed Force (TNI). This is in accordance with the mandate of the Law of the Republic of Indonesia Number 34 of 2004 concerning the TNI. The law states that one of the tasks of the TNI in Military Operations Other Than War (MOOTW) is to help cope with the effects of natural disasters, displacement, and the provision of humanitarian assistance. The activities carried out by the TNI include preparing members in areas that are disaster prone areas and conducting routine checks on disaster early detection devices in a number of specific areas. In addition, the TNI has appropriate equipment for emergency tasks both in terms of facilities and infrastructure as part of the implementation of National Security.

2. Operational Evaluation.

A series of disasters that have occurred in Indonesia lately has invited various international communities to provide humanitarian assistance and post-disaster recovery. Meanwhile, the increase and frequency of disasters occurring up to 2007 in the Asian region have made aware of the importance of the role of partnerships between countries and perpetrators of cross-border humanitarian action at the local, national and international levels. The Indonesian government began to improve itself in disaster management. At that time, there was no special body to handle the disaster and the study of disasters that had been done had not become a national concern. Then the Government of Indonesia seriously built a disaster management system, starting with the enactment of Law Number 24 of 2007 on Disaster Management until the formation of the National Disaster Management Agency (BNPB) in 2008. The allocation of national budgets for disaster management was increased. With this achievement, Indonesia continues to strive to build a better system. On the way to that hope, Indonesia received support from the international community.

Reflecting back on the post-disaster that had happened in Indonesia the Indonesian Navy as a component of national defense that has the duty and responsibility to participate in disaster management in Indonesia. There are at least five reasons that make the TNI, in this case, the Navy can be involved in disaster management, among others: (1) The Indonesian Navy has a legal basis in the form of Law Number 34 of 2004 which places disaster management as a form of duty for military operations other than war; (2) The Indonesian Navy has a strong institutional system with an organizational culture that prioritizes the preparedness and improvement of individual and team skills that enable the Indonesian Navy to move and act more quickly, efficiently, and well-coordinated than non-military institutions; (3) The Indonesian Navy has troops or personnel who are ready and superior in physical and mental to deal with emergency tasks, both individually and in groups, making it suitable for emergency response when a disaster occurs; (4) The Indonesian Navy has a good reparation and maintenance system so that even under material conditions, the available physical resources are well optimized for disaster management purposes; and (5) The Indonesian Navy has appropriate equipment for emergency tasks both in terms of facilities and infrastructure. These five reasons give the Navy's legitimacy to carry out disaster management tasks in coordination with the National Disaster Management Agency (BNPB). It is important to realize that Disaster

Management contains three phases: pre-disaster, disaster and post-disaster. While the TNI can move at all stages.

3. Building Partnerships in Disaster Management.

Disaster management discourse can never be separated from the regional context. At present disasters can become common problems and humanitarian missions can cross national borders. For example, large-scale disasters such as the 2004 Aceh earthquake and tsunami, the 2009 Haiti earthquake and the floods in Pakistan in 2010, international humanitarian assistance from several countries became very significant in the process of disaster emergency response. The impact of the disaster that extends across national borders or regions also provides positive aspects, namely the growth of commitment and close cooperation at regional and international levels, particularly in disaster management. The need to forge partnerships with the international community has benefits for countries that desperately need post-disaster assistance.

BNPB as a center of excellence or disaster management focal point in Indonesia has built partnerships and cooperation with the international community. There have been many contributions made by the international community to countries experiencing disaster emergencies, such as emergency response support, expert teams, transfer of experience and knowledge, technology, research and so on. This partnership and collaboration should be carried out in the pre-disaster phase, during a disaster, and in the aftermath of a disaster. Although in principle a country with its sovereignty certainly has dignity in securing its citizens and territories, so receiving assistance from outside parties will certainly limit cooperation or involvement of humanitarian assistance from the international community.

The cooperation that is built should put forward the principle of equal partnership. Resources owned by the affected country are a reference for other countries that will help. This was exemplified by the earthquake and tsunami in Sendai, Japan. At that time the Japanese Government only provided access to foreign humanitarian assistance with special qualifications. So not just any aid or humanitarian mission from the international community can enter the sovereign territory of the Japanese Government. Based on Indonesia's experience in managing large-scale disasters that require international emergency assistance, coordination between national and international actors is very important. The

coordination is carried out to maximize the implementation of disaster management for affected communities. This can prevent the buildup of unproductive international assistance. Coordination as a form of partnership has an important role when humanitarian actors from every level, both local, national and international, carry out humanitarian action. The impact of disasters can affect cross administrative boundaries and even trans-national boundaries, so that disaster management needs to be managed jointly with a planned, integrated, coordinated and comprehensive mechanism.

There are various international laws and laws to help countries prevent, prepare themselves and cope with disasters caused by humans or the use of technology by humans, which has the potential to have an inter-state impact (transboundary), such as those originating from industry, occurring in the sea, or caused by a nuclear accident. Many international agreements were formed after a major disaster occurred, using the experience they gained in dealing with the disaster as a condition of the agreement. For example, the Convention on the Early Notification of a Nuclear Accident, agreed on September 26, 1986, after the Chernobyl nuclear disaster in Ukraine. On the same date, a Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency was agreed upon. The Convention Establishing an International Relief Union 1927 was an international treaty that showed the importance of disaster management regulated by international law. In its preamble shows the wishes of the participants *'to render aid to each other in disasters, to encourage international relief by methodical coordination of available resources, and to further the progress of international law in this field.'* The term humanitarian assistance is widely used for various actions at the international level to provide assistance to victims of war, and even to victims of armed intervention to restore democracy. In arrangements for natural disasters, it is limited to providing assistance in the form of commodities and materials deemed necessary only for disaster relief. The humanitarian assistance usually includes emergency treatment in the form of food, clothing, medicines, tents and health equipment.

Regionally, several international agreements specifically relating to disaster management can be found, including the Agreement on the Prevention of, Protection Against, and the Organization of Relief in Major Natural and Technological Disasters, 1987. Meanwhile, in 2005, the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) was agreed by the Foreign Ministers in the ASEAN region. AADMER is an agreement to carry out disaster management at the ASEAN regional level in

a joint, integrated, comprehensive and comprehensive manner because it covers all aspects of the disaster management cycle. The action program will be implemented jointly by ASEAN member countries in the field of disaster management to strengthen cooperation in disaster management, starting from the development of early warning systems, handling in the emergency response stage, the rehabilitation and reconstruction stage and disaster risk reduction. The ASEAN Committee on Disaster Management (ACDM) is an ASEAN body under the socio-cultural pillar that focuses on the operational implementation of the AADMER.

BNPB as a leading sector in disaster management in Indonesia has collaborated with various ministries/institutions in order to improve the effectiveness of disaster management. One of them is with the Ministry of Defense and TNI Headquarters to support emergency response operations, through the mobilization of personnel in the Disaster Management Rapid Reaction Unit (SRC) as well as direct personnel mobilization to the disaster area. In this case, the TNI moves in the form of military operations other than war (MOOTW).

The TNI Disaster Rapid Response Forces have already been formulated, in the form of a Task Force. At this Naval Task Force, consisting of the Task Force Command, Base Element, Transport Element, Hospital Assistance Element, and SAR Unit based on the Chief of Navy Decree stated that this operation was carried out specifically in the status of a state of disaster emergency. Furthermore, this operation is carried out following a disaster emergency command system that is fast, precise, effective, efficient, integrated and accountable. This is done with the aim of minimizing human casualties and property losses. Therefore, the Navy as part of the national defense component implementing MOOTW in HA / DR Operations requires guidelines for conducting operations in the context of rescue, rescue and evacuation of disaster victims, and the provision of personnel, logistics, and emergency handling equipment.

During the emergency response period, the TNI can play a role in six activities that can be added as needed in the context of a disaster. These six activities can take place simultaneously or gradually, depending also on the situation that occurs in the field. These activities include (1) providing food and medical assistance to the disaster site, (2) victims search and rescue operations (SAR), (3) victim and non-victim medical services, (4) victim relocation, (5) mobilization volunteers, and (6) securing locations. All of these activities can be said to have covered all aspects of disaster management at the time of the incident to the victim. This activity is an

activity to find locations and support unreached victims, reach victims, save and treat victims, move victims, mobilize volunteers, and secure locations.

4. Indonesia as a part of the International Community

Indonesia is not only seen as a beneficiary of the international community at the time of the disaster. On the other hand, solidarity as part of human values between nations is a motivation for Indonesia to be actively involved in contributing to the management of disasters in other countries. This was exemplified when Indonesia provided logistical assistance to victims of the 2009 earthquake in Haiti, dispatch of the Disaster Management Rapid Response Unit (SRC PB) to the destructive floods that hit Pakistan in 2010, as well as a team of doctors after the earthquake and tsunami in Sendai, Japan in 2011. From this perspective, Indonesia is considered to have become a part of the international community that has empathy for other countries experiencing disasters.

Indonesia's contribution is not only in humanitarian action or logistics delivery, but also in sharing its experience and knowledge. Indonesia has contributed to other countries who want to learn about disaster management in Indonesia. BNPB as a focal point always opens itself to receive foreign delegations to share experiences and knowledge about the disaster management system and its implementation. Meanwhile related to disaster risk reduction, Indonesia also voiced the importance of disaster risk reduction to other countries.

Until now Indonesia has been active at regional and international levels in promoting disaster risk reduction. Together with other ASEAN countries, Indonesia is involved in the ASEAN Regional Program on Disaster Management (ARPDM), a joint framework to create a region that is resilient in the face of disasters. Reflecting on what is always experienced by people affected by disasters, they are expected to be able to build and reshape strong spirits in dealing with disasters. In connection with this context, the vision of disaster management in Indonesia, resilience is a key factor for the community in dealing with every disaster.

Through this attitude, the community is expected to adapt to the potential danger and be able to recover when experiencing a disaster. Building resilience as part of disaster risk reduction is what also wants to be transmitted to other countries. The effort has received appreciation from the United Nations by awarding the title of Global Champion for Disaster Risk Reduction to the President of the Republic of Indonesia. The awarding of the

Global Champion for Disaster Risk Reduction was given directly by the UN Secretary-General, Ban Ki-Moon, to Indonesian President Susilo Bambang Yudhoyono in Bali on November 19, 2011. This award was an international recognition that could be copied by countries with potential disasters such as Indonesia. In addition, the Government of Indonesia is actively involved in building partnerships as part of the international community by hosting the 5th Asian Ministerial Conference on Disaster Risk Reduction (AMCDRR) held in Yogyakarta on 22-25 October 2012 with the participation of around 72 countries.

5. Conclusion.

Disasters can come at any time without being predictable, making the response requires the involvement of all parties, but vulnerability to the possibility of casualties caused by disasters can be reduced through mitigation stages that benefit all parties. BNPB was formed as a center of coordination between various institutions and institutions related to disaster management and because of the burden of management about disaster management, it would be very beneficial if other parties who have access either as part of their duties or authority in efforts to reduce the risk of victims, can be coordinated by BNPB.

Some efforts in handling disaster emergencies are (1) managing non-military threats, especially disasters, becoming a priority scale for the Navy in the implementation of the MOOTW and the government through BNPB; (2) enhancing the capabilities and competencies of the Navy personnel in the field of HA/DR; and (3) allocation of the use of elements of defense equipment and disaster logistics.

Globally the challenges of the world community in the management of future disasters will be more severe. Globalization will continue to touch all aspects of life. The rapid dynamics of globalization have opened space for many actors, both state and non-state, to take on the role. The spectrum of international relations is becoming increasingly open, flat and accessible. The tendency is recognized to have implications in various forms of shifts, changes, intersections, and adaptation of the state or non-state to the resonance of their respective interests.

Countries in the world want to position their role and recognition of their existence according to their respective interests. Therefore, by the main tasks of the Navy in carrying out naval diplomacy in the framework of supporting government foreign policy, the implementation of disaster relief

assistance with the international community becomes a very strategic policy in maintaining the existence of Indonesia in the world.

Naval diplomacy consists of soft diplomacy and hard diplomacy. Soft diplomacy in the form of peaceful resolution of problems through the fields of culture, language, friendship and economics, and Hard diplomacy is diplomacy in the form of war namely military and political aggression. In the disaster relief context, soft diplomacy is part of international relations. Traditional diplomacy is done as a tool to achieve a country's foreign policy. Current diplomacy activities have begun to be carried out by prioritizing the elements of soft power that a country has through soft diplomacy.

The emergence of the tendency to use soft power in diplomacy is also supported by the rapid advancement of information technology in the current era of globalization. The implementation of soft diplomacy is not only due to political processes but can also be translated into economic or cultural benefits. Susanto Pudjomartono, a former Indonesian Ambassador to Russia, stated that this soft diplomacy was interpreted as an exchange of ideas, information, art and other cultural aspects between the state and nation, with the hope of creating shared understanding.

At present, diplomatic activities make it easier for a country to establish international relations. Soft diplomacy is defined as an effort to establish an attractive or persuasive relationship to change preferences in prioritizing their national interests. A country will choose diplomatic methods first in exercising its influence. Diplomacy becomes a means by which a state directly influences another.

Diplomacy concerning international politics is the art of prioritizing the national interests in its relations with other countries. Diplomacy is also defined as the art and science of state representatives and negotiations. If peaceful means fail to achieve the desired goal, diplomacy allows the use of threats or real force as a means to achieve its goals.

During a major disaster, many countries implement soft diplomacy by assisting countries affected. Even in its implementation using military personnel and equipment for the benefit of humanity. During the tsunami in Japan on March 11, 2011, as many as 115 countries committed to assisting Japan. Similarly, when the tsunami in Aceh, floods in Pakistan, earthquakes in Haiti and so on. In March 2011, when the tsunami struck Japan, Indonesia was conducting an ASEAN Regional Disaster Relief Exercise (ARF DiREX) Manado. Japan acted as a co-chair with Indonesia in the exercise. At that time Indonesia was also involved in providing humanitarian assistance to

Japan, even three months later the President of the Republic of Indonesia visited the affected region, Prefecture Fukushima. What then developed in the Japanese political elite was an effort to improve Indonesia's position in bilateral relations. Indonesia currently as Japan's Strategic Partner will be upgraded as an ally.

The world recognition of Indonesia's achievements in disaster management is evidence that the Indonesian nation has potential national competitiveness to continue to be developed. In the constellation of international relations or building national products that have high selling points, disaster management has comparative and competitive advantages so that Indonesia becomes a world-class center of excellence. With the excellence of all aspects of disaster management, Indonesia will have a high bargaining position and influence other countries. Disaster management is soft diplomacy that can be done attractively and persuasively to other countries or other non-states to change their choices.

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Captain Sean Andrews is a Principal Warfare Officer and Under Sea Warfare specialist. Receiving a commission in 1990 as a Seaman Officer, he has completed extensive sea service in Destroyers, Frigates and Patrol Boats. Captain Andrews has enjoyed the full range of operational sea postings including Command.

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