

## Defense Diplomacy between Indonesia and Vietnam in Resolving EEZ Disputes

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### ABSTRACT

Indonesia is a maritime country that has a vast sea area, most of Indonesia's territory consists of waters and the rest of the land. Indonesia's vast waters are directly bordered by ten neighboring countries, namely: India, Singapore, Malaysia, Thailand, Vietnam, Philippines, Palau, Australia, Timor Leste and Papua New Guinea. This of course often causes problems where the condition of sea areas that do not have boundary markers such as land boundaries is often violated by other countries, including claims made by other countries against Indonesia's marine territory, especially the Exclusive Economic Zone (EEZ) area, one of the conflicts that arose related to the struggle for marine territory was the conflict between Indonesia and Vietnam. This research uses a qualitative analysis research method, which prioritizes data collection through interviews and a comprehensive literature study. With this, the territorial issues between Indonesia and Vietnam will be comprehensively described so that the role of Defense Diplomacy can be seen in the process of resolving EEZ disputes.

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## **INTRODUCTION**

In the theory of the formation of a state, territory is an inseparable part of the elements of state formation, without territory there will never be a state, this then makes territory as one of the sensitive things if drawn from the historical side. In ancient times, territory was an object of dispute that was often contested and often invited large-scale bloodshed, for example during the Roman Empire, millions of troops' lives were sacrificed for the sake of an inch of territory, not even going too far, in pre-independence Indonesia, in an effort to expel invaders and efforts to gain rights to a territory free from colonization, millions of Indonesian people's lives were lost for the sake and for the independence and integrity of Indonesian territory. The country's territory is divided into land, sea and air, each of which is an inseparable unity.

Indonesia is the largest archipelago in the world, located between two oceans namely the Indian Ocean and the Pacific Ocean and located between two continents namely the Asian Continent and the Australian Continent, causing Indonesia to be in a very strategic cross position (Puswitawati, 2017). The characteristics of the region in the form of islands and its location directly adjacent to the Pacific Ocean and Indian Ocean make Indonesia one of the influential countries in Southeast Asia. Indonesia also plays an important role in realizing security stability in the region by encouraging the plan to form an ASEAN security community which aims to build a forum for peaceful conflict resolution for all ASEAN members.

Indonesia is a maritime country that has a large sea area, most of Indonesia's territory consists of waters and the rest of the land. The total area of the Republic of Indonesia reaches 7.7 million km<sup>2</sup>, of which approximately 3.2 million km<sup>2</sup> are water areas consisting of 2.8 million km<sup>2</sup> of inland waters and 0.3 million km<sup>2</sup> of territorial sea. This does not include the Exclusive Economic Zone (EEZ) area of 2.7 million km<sup>2</sup>, which totals 5.8 million km<sup>2</sup>.

Indonesia's vast waters are directly bordered by ten neighboring countries, namely: India, Singapore, Malaysia, Thailand, Vietnam, the Philippines, Palau, Australia, Timor Leste and Papua New Guinea. This of course often causes problems where the condition of the sea area that does not have boundary markers such as land boundaries is often violated by other countries, including claims made by other countries against Indonesia's marine territory, especially specifically the Exclusive Economic Zone area, one of the conflicts that arose related to the struggle for marine territory was the conflict between Indonesia and Vietnam.

The Exclusive Economic Zone (EEZ) is an area outside the territorial sea whose area may not exceed 200 miles measured from the baseline used to measure the width of the territorial sea (Priyanto, 2007). In the UN-initiated Law of the Sea conferences held from 1973 to 1982 the Exclusive Economic Zone

(EEZ) was discussed in depth and intensively as one of the conference agendas and agreed upon.

Defense Diplomacy plays an important role in terms of conflict resolution between countries, the conflict that occurred between Indonesia and Vietnam needs to be resolved through a systematic diplomatic framework so that it can present the best solution for Indonesia and Vietnam.

Based on the description above, the researcher will focus on:

"How is the role of Indonesia's Defense Diplomacy in efforts to resolve the EEZ conflict with Vietnam?"

## **THEORETICAL REVIEW**

### ***Defence Diplomacy***

Historically, the form of defense diplomacy tends to be considered a new understanding, where the concept is a form of development of diplomacy theory. Diplomacy itself is the implementation of relations between sovereign states through the intermediary of officials who are at home or abroad (Berridge & James, 2003), with this it can also be interpreted that diplomacy serves to win human hearts, change opposing perspectives and attitudes, so that each party is willing to accept peace and be optimistic about its values. Diplomacy leads countries and nations to behave with mutual respect, can coexist peacefully, make the world dense with cooperation, and complete with justice (Emilia, 2013, p. 6).

Based on the above understanding, defense diplomacy can be defined as "all the methods and strategies used by countries that may be in a state of competition with each other, but they have used certain practices including economic, cultural, political cooperation, defense cooperation and diplomacy to make friends, hopefully cooperate with each other, and, most importantly, to build and enhance mutual trust" (Pedrason, 2015, p. 16). Through this definition, it can be understood that the strategies used by countries that may be in a state of competition with each other, but they have used certain practices including economic, cultural, political cooperation, defense cooperation and diplomacy to make friends, hopefully cooperate with each other, and, most importantly, to build and enhance mutual trust.

### ***Foreign Policy***

Foreign policy is the study of the management of external relations and activities of nation-states, as distinguished from their domestic policies. Foreign policy involves the ideals, strategies, actions, methods, guidelines directives understanding agreements, and so on, by which national governments conduct

international relations with each other and with international organizations and non-governmental actors. (Robert Jackson and Georg Sorensen, 2013).

According to K.J.Holsti, foreign policy is how we can understand all phenomena that occur in the external environment. Societies grouped into "nation states" have a number of needs and goals, most of which they can only achieve by establishing relationships and spreading influence to other countries. foreign policy has three components that reflect broader interests, namely: (1). As a cluster of orientations, a guideline for dealing with external conditions that require decision-makers and actions based on orientation principles and general tendencies consisting of attitudes, perceptions and values elaborated from historical experience and strategic conditions that determine the position of the state in international politics. (2). As a set of communication to and plans for action, in the form of concrete external plans and commitments that are consistent with foreign policy orientation. (3). As a form of behavior or action (as a form of behavior), in the form of concrete steps based on general orientation, with more specific commitments and goals, which are related to events and situations in the external environment. (Holsti.K.J. 1987).

#### ***Exclusive Economic Zone (EEZ)***

The Exclusive Economic Zone (EEZ) is a 200-mile boundary measured from the base line at low tide. (Pelayananpublik.id, 2019). Claims to the Exclusive Economic Zone were first made by Kenya through a proposal submitted to the Asian-Africa Legal Consultative Committee in January 1971, and the same proposal submitted to the United Sea-bed Committee the following year. (Churcill, R.R & Lowe, 1999).

The Exclusive Economic Zone can be defined as a maritime zone 200 nautical miles wide from the base line, (Agoes, Ety R. 1991) where the coastal state has sovereign rights relating to the exploration and exploitation of natural resources and similar jurisdiction. The Exclusive Economic Zone regime grants coastal states "sovereign rights" over the exploration and exploitation of natural resources and other related activities in the Exclusive Economic Zone.

In exercising its sovereign rights, the coastal state or island state is authorized to exercise broad enforcement powers including boarding vessels, conducting inspections and even making arrests and conducting legal proceedings for foreign vessels that violate its legal provisions with respect to the exploration and exploitation of natural resources in the Exclusive Economic Zone. In exercising their rights, island states must also act in compliance as stipulated in UNCLOS 1982. (Puspitawati, 2017).

### ***United Nations Convention on the Law of the Sea (UNCLOS)***

International Law of the Sea begins with the function of the sea for mankind, including as a source of food for mankind, a trade highway, a means of conquest, a place of battle, a place of fun, a means of separating or uniting nations, as well as the existence of valuable mining and excavation materials at the bottom of the sea. The existence of these functions is one of the forerunners of the conception of international law of the sea, namely *res communis*, which states that the sea is the common property of the world community and cannot be owned by each country, while *res nullius*, states that the sea has no one, therefore it can be taken and owned by each country. This concept is the reference for the regulation of international law of the sea, namely the United Nations Convention Law of the Sea 1982 (UNCLOS 1982).

The existence of UNCLOS 1982 as international law provisions governing state sovereignty over sea territory is one of the important provisions. In addition, UNCLOS 1982 also discusses maritime zones that are included in full sovereignty such as inland waters, archipelagic waters (for island states), and territorial seas. The maritime zones regulated by UNCLOS 1982 are maritime zones under full sovereignty, namely: internal waters, archipelagic waters for island states, and territorial sea. The maritime zones under the authority and special rights of coastal states are contiguous zone, exclusive economic zone, and continental shelf. There are also maritime zones that are outside national jurisdiction, namely the high sea and the international seabed area. (Dikdik Mohamad Sodik, 2014).

### **METHODOLOGY**

The research methodology used in this thesis research is qualitative, where the data to be obtained is interpreted by the researcher to understand the context more broadly. Norman Denzin and Yvonna Lincoln (2018, p. 43) define qualitative research as "a situated activity that locates the observer in the world. Qualitative research consists of a set of interpretive, material practices that make the world visible. This means that qualitative researchers study things in their natural settings, trying to make sense of or interpret phenomena in terms of the meanings people bring to them." Explaining that in qualitative research, researchers are placed in the middle of the world to observe, so that the world can be seen clearly. So that the use of qualitative research methods is focused on interpreting the observed phenomena, to provide a broader meaning to the phenomenon.

Researchers emphasize the use of case study research design, which according to Creswell (2013, p. 97) as "a type of design in qualitative research that may be an object of study, as well as a product of the inquiry. Case study research is a qualitative approach in which the investigator explores a real-life, contemporary bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information (e.g., observations, interviews, audiovisual materials, and documents and reports), and reports a case description and case themes." Explaining that in case study research, researchers go through detailed and in-depth data collection involving multiple sources of information such as observations, interviews, documents and reports. In this form of research, the research is basically focused on explaining the causes that go beyond a specific event (Schwandt & Gates, 2018), so it is fenced off by a specific event and time to be analyzed.

## **RESULTS AND DISCUSSION**

### ***The role of Indonesia's Defense Diplomacy in efforts to resolve the EEZ conflict with Vietnam***

Good relations between neighboring countries do not always run smoothly. The attitude of countries that will always pursue their national interests, causing a clash of interests between countries in the world. These interests can create good cooperative relations between countries and can also lead to conflict. Conflicts can threaten existing diplomatic relations and even trigger wars between countries. Conflicts between countries can occur, among others, due to border issues, natural resources, environmental damage, trade, and others. (Huala Adolf, 2004).

The conflict between Indonesia and Vietnam has been ongoing since 1963 with the start of tensions in the North Kalimantan sea area, which at that time was not yet part of Indonesia. Resolution of the conflict between Indonesia and Vietnam is difficult to achieve because each country has different claims to the sea area. Exclusive Economic Zone claims between Indonesia and Vietnam need to be reviewed based on UNCLOS 1982.

According to UNCLOS 1982, any disputing state dealing with maritime issues must immediately resolve the dispute. (UNCLOS, 1982). Based on the principles of international peace and security, there are several efforts aimed at creating good relations between countries in resolving disputes that occur. The principle of international dispute settlement is to provide a way for disputing parties to resolve their disputes based on international law. There are two ways of settlement known in international law, namely peacefully and by war (military).

Today, the international community is increasingly aware of the dangers of settling disputes by war. War or military settlement is no longer used in resolving a dispute after the end of World War II, so many countries choose the path of diplomacy by discussing the core of the conflict together and on the basis of mutually agreed rules.

The UN Convention on the Law of the Sea was the first multilateral treaty to contain provisions for conflict resolution. Indonesia and Vietnam are members of the UN and have also ratified the Convention on the International Law of the Sea. On June 24, 1994, Vietnam ratified the 1982 UNCLOS, while Indonesia by issuing Law Number 17 of 1985 concerning the ratification of the 1982 UNCLOS by the Government of the Republic of Indonesia so that UNCLOS can be applied in the dispute resolution process between Indonesia and Vietnam.

Indonesia and Vietnam chose a peaceful path in order to resolve this maritime territorial dispute in accordance with the dispute settlement procedure according to UNCLOS 1982. Defense Diplomacy plays an important role in this dispute settlement process.

The form of Defense Diplomacy between Indonesia and Vietnam can be seen through several joint policies issued by the two countries, among others:

1) Bilateral Dialogues

Indonesian Foreign Minister Retno L.P. Marsudi held a bilateral meeting with Vietnamese Foreign Minister/Deputy Prime Minister Pham Binh Minh on the sidelines of the ASEAN Ministerial Meeting and Dialogue Partners, in Bangkok, Thailand. The meeting discussed one main issue, namely efforts to finalize maritime boundary negotiations (Exclusive Economic Zone/ZEE) between Indonesia and Vietnam. During the meeting, a more technical meeting was also held in Jakarta to discuss efforts to accelerate the completion of the negotiations. During the meeting in Bangkok, both Foreign Ministers welcomed the agreement on the negotiation methodology. This agreement is expected to facilitate the completion of the negotiations. In addition, the two Foreign Ministers also agreed on the need to accelerate the completion of the Provisional Arrangement (PA) to temporarily regulate the overlapping areas to avoid possible incidents of fishing vessels in the overlapping areas. (Ministry of Foreign Affairs, 2019).

2) Technical Meeting dan Informal Consultation Indonesia-Vietnam

The meeting featured the Indonesian side represented by BAKAMLA RI or Indonesia Coast Guard (IDNCG), Indonesian Navy and KKP while the Vietnamese side was represented by Vietnam Coast Guard (VCG), Vietnam

Peoples Navy and Vietnam Fisheries Resources Surveillance. The negotiations discussed Temporary Arrangements in areas where maritime boundaries have not been agreed upon. This arrangement is intended to minimize the occurrence of incidents between law enforcement officers of the two countries who have authority in the EEZ in accordance with the laws and regulations of the two countries. (TNI, 2019). As one of the law enforcement agencies at sea that has the main task of carrying out security and safety patrols in Indonesian waters and Indonesian jurisdiction, Bakamla RI has built good communication with its partners in Vietnam, namely the Vietnam Coast Guard with the signing of Lol (Letter of Intents) which will be upgraded to MoC (Memorandum of Cooperation), and this step has proven effective in overcoming tensions at sea. (TNI, 2019).

3) Indonesia-Vietnam EEZ Boundary Delimitation Negotiations

The issue of state borders is important because a country's borders are the main manifestation of a country's sovereignty, including the determination of sovereign territorial boundaries, as well as security and territorial integrity. The importance of Indonesia's border management. One of Indonesia's efforts to maintain security in the border region is to continue border negotiations so that there is clarity of Indonesia's border lines with neighboring countries, as well as conducting oil and gas exploration activities in the Natuna Sea, as a form of Indonesia's presence in the region. Indonesia and Vietnam have been negotiating the EEZ dispute since 2010. In fact, talks on the Continental Shelf delimitation agreement have been ongoing for around 30 years until an agreement was finally reached and signed in 2003. (I Made Andi Arsana, 2019).

4) Fleet Strengthening in the North Natuna Sea

In an effort to defend its territory, Indonesia strengthens its defense with military force. This is intended to provide affirmation to other countries including Vietnam that Indonesia's territory is an inseparable unit and cannot be easily claimed by any country, with the strengthening of the fleet in the North Natuna Sea region intended to elevate Indonesia's existence in the region.

## **CONCLUSIONS AND RECOMMENDATIONS**

Defense Diplomacy can be interpreted as a tool to maintain territorial sovereignty by using all means including the use of armed force as a tool of foreign policy and defense policy with the aim of upholding peace including the resolution of territorial conflicts between Indonesia and Vietnam. With the existence of Defense Diplomacy, peaceful conflict resolution can be realized so as to avoid indications of war between conflicting countries. Through Defense



Diplomacy, the state is expected to minimize the occurrence of conflict by building Mutual Trust.

### **FURTHER STUDY**

Conducting longitudinal studies to track the long-term outcomes of defense diplomacy initiatives between Indonesia and Vietnam can provide insights into the sustainability of peace and security achieved through these efforts. Such studies would examine how defense diplomacy impacts bilateral relations over time.

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