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NATUNA WATERS: EXPLAINING A FLASHPOINT BETWEEN INDONESIA AND CHINA

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Abstract

The Natuna waters have recently been a flashpoint between China and Indonesia as a result of China's vague claim of a Nine Dash Lines (9DL). It has caused a number of incidents and stand-offs between legal enforcement agencies of both countries and sparked a diplomatic row. This article explores how the ambiguous claim of a historic right/9DL was gradually introduced by China and then coercively applied in the Natuna waters. It also attempts to identify what China actually claims in the waters. It will then examine how Indonesia under the Jokowi administration responds to the claims and elaborate what measures Indonesia has taken and will continue to take in order to protect its maritime interests against China's 9DL claim. It concludes that Indonesia regards China's illegal claim as a matter of principle and thus takes an uncompromising stand.

Keywords: maritime disputes, Natuna EEZ, South China Sea, UNCLOS

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I. INTRODUCTION

Natuna waters, which are part of the Indonesian legitimate exclusive economic zone (EEZ) in the SCS (South China Sea), are presently under dispute by China. This is because the incidents in the waters and standoffs between both countries, involving their respective Coast Guards, have increased significantly in the last decade since 2010. The incidents were also mostly triggered by Chinese fishing activities till 2020. In many cases, the conflicts often emerged when Indonesia conducted enforcement measures to dispel the fishermen from EEZ, leading to the engagement of the China Coast Guard in the counter-enforcement causing a diplomatic row between the two countries. Since 2020, the incidents have reportedly included oil drilling in the waters, with China

reacting strongly to burrowing activities in Tuna Block¹ under Indonesia licensing, subsequently triggering another diplomatic row between the countries. The escalating conflict in the SCS over the previous decade coincided with significant growth in economic relations between the two countries. This explains that President Widodo has been actively securing Chinese investments and intensifying cooperation, specifically during the COVID-19 pandemic.² According to Yohanes Sulaiman,³ this conflicting situation sent a mixed signal about the approach of Indonesia toward the recent assertive policy of China in the SCS, including Natuna waters.

The waters are situated in the southernmost part of the SCS, falling within the area known as the nine-dash lines (9DL). These lines emphasize the vague claim by China, which has reportedly been protested by the international community and declared invalid by the Arbitral Tribunal in 2016.⁴ It is also constituted under the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982) between the Philippines and China (the SCS Tribunal). In addition, several reports were observed on the claim of Chinese historic rights in the SCS enclosed by the 9DL. Several studies were also responsible for prioritizing the origins of the 9DL, such as Bill Hayton.⁵ This indicated

¹ “China’s coast guard patrols site of Indonesian gas field,” *Benar News*, 5 January 2023, accessed 13 June 2023, <https://www.benarnews.org/english/news/indonesian/china-patrols-indonesian-gas-field-01052023032353.html>.

² Widodo pursued a balance strategy in dealing with Natuna conflict and at the same time securing Chinese’s investments, see Richard Heydarian, “How Jokowi bested China, while Duterte ended up a lackey: Indonesia and Philippines use very different strategies in dealing with Beijing,” *Nikkei Asia*, 29 March 2021, accessed 13 June 2023, <https://asia.nikkei.com/Opinion/How-Jokowi-bested-China-while-Duterte-ended-up-a-lackey>.

³ Yohanes Sulaiman, “Why Indonesia keeps sending mixed signals on the Natuna sea dispute with China,” *The Conversation*, 13 January 2020, accessed 13 June 2023, <https://theconversation.com/why-indonesia-keeps-sending-mixed-signals-on-the-natuna-sea-dispute-with-china-129562>.

⁴ Permanent Court of Arbitration, 2016, Arbitral Tribunal on 12 July 2016 Constituted under Annex VII to the 1982 United Nations Convention on the Law of the Sea between the Philippines and China, PCA Award Case No 2013-19.

⁵ Bill Hayton, *The Invention of China* (Yale University Press, 2020); Bill Hayton, “The Modern Origins of China’s South China Sea Claims: Maps, Misunderstandings, and the Maritime Geobody,” *Modern China* 45, no. 2 (2019): 127–170, <https://doi.org/10.1177/0097700418771678>; Bill Hayton, *South China Sea: the Struggle for Power*

that the 9DL previously establishing flashpoints in the northern part of the SCS, especially in Paracel and Spratly Islands, has eventually encroached on the southernmost position (Natuna waters). It was also expected to remain a flashpoint in the long run, since Natuna conflict formed part of the SCS dispute where no solution was foreseen in the near future. Therefore, this study aims to explore the patterns by which China gradually introduced and forcefully applied the ambiguous claim of historic rights (9DL) in Natuna waters. It also aims to identify the specific claim of China from the waters and examine the responses of Indonesia to the matter. In this study, the measures conducted by Indonesia are subsequently evaluated under the Jokowi administration, accompanied by the ongoing efforts to safeguard its maritime interests against China 9DL claim. From the results, Indonesia ultimately remains steadfast in its objection to the increasingly assertive claim of China.

II. NATUNA WATERS AS A ‘PART’ OF THE SCS CONUNDRUM

The emphasis on Natuna waters is often misleading as an isolated issue detached from the conundrum of the SCS dispute. This is due to the focus on part of the entire obsolete picture of the SCS dispute, not the bilateral issues between Indonesia and China. According to Maritime Awareness Project, similar and repeated incidents were observed in other locations due to the same 9DL issues, such as the standoffs in Block 136-03, Scarborough Shoal, and James Shoal within Vietnam, the Philippines, and Malaysia EEZ in 2011, 2012, and 2013, respectively.⁶ Furthermore, the SCS dispute⁷ complexly and mainly emphasizes the overlapping claim on maritime features (islands, rocks, reefs). This dispute is carried out through six bordering countries, namely China (including Taiwan), Vietnam, Malaysia, Brunei, and the Philippines. The conflict also started in WW II, although the respective claim of

in Asia (Yale University Press, 2014).

⁶ Incident Timeline: South and East China Seas, Maritime Awareness Project, 2013, accessed on 27 June 2023, <https://map.nbr.org/interactive/incident-timeline/>

⁷ Books and articles have been written about the SCS dispute including the one by Bill Hayton, *South China Sea: the Struggle for Power in Asia* (Yale University Press, 2014). An overview of this book has been written by Damos Dumoli Agusman, *Kompas*, 22 November 2015.

the claimant states was known to each other since 1960. In this case, China asserted ownership of all the Spratly Islands, citing historical discovery and control. Taiwan also mirrored the claim of China with specific modifications.⁸ Based on subsequent reports, Vietnam claimed all of the Spratly Islands regarding historical discovery and colonial French inheritance,⁹ with the Philippines claiming some settlements based on proximity and discovery/occupation. However, its claim was abandoned regarding the ‘Paris Treaty Box’ stipulated by the enactment of Act No. 9522 on Archipelagic baselines according to UNCLOS 1982. This stipulation was provided for its constitutional review, due to being allegedly different from the Treaty of Paris 1898, with the Philippines Supreme Court¹⁰ upholding the constitutionality. More studies also showed that Malaysia was responsible for claiming some islands concerning proximity.¹¹

The SCS dispute, prevailing for over three decades, involved the states claiming territorial entitlement and other external nations, such as the United States and Australia, whose interests were at stake. Their involvements emphasized ensuring the respect of navigation and overflight freedom, compared to claiming any maritime features or

⁸ From Taiwan perspective, it is argued that the purpose of the U-shaped line was strictly as an island attribution line, see “Position Paper on ROC South China Sea Policy,” Ministry of Foreign Affairs of the Republic of China, accessed 27 June 2023, https://www.taiwanembassy.org/my_en/post/1912.html; see also Dean Karalekas, “Dashing Lines and Faking History: The Complicated History of Taipei’s Maritime Claims”, in *Asian Territorial and Maritime Disputes, A Critical Introduction*, Moises de Souza, Gregory Coutaz & Dean Karalekas, eds. (E-International Relations, 2022), 138 – 157

⁹ Mark J. Valencia, Jon M. van Dyke and Noel A. Ludwig, *Sharing Resources of South China Sea* (Honolulu: University of Hawaii Press, 1999), 32.

¹⁰ The Philippines Republic Act No 9522 (RA 9522) has adjusted the country’s archipelagic baselines in compliance to UNCLOS 1982. The Act has been brought to Supreme Court as contrary to Treaty of Paris 1898, but the Court in July 2011 upheld its constitutionality, see Prof. Merlin M. Magallona, et.al. v. Hon. Eduardo Ermita, in his capacity as Executive Secretary, et al. G.R. No. 187167, 16 July 2011; See also PCA Award Case No 2013-19, para 223.

¹¹ For a clear description of the respective claim see Robert Beckman, “The UN Convention on the Law of the Sea and the Maritime Disputes in the South China Sea,” *American Journal of International Law* 107, no. 1 (2013): 142; Chi-kin Lo, *China’s Policy towards Territorial Disputes, the Case of South China Sea Islands* (New York: Routledge, 1989).

waters. The challenge of China to this freedom also led to a perception that the 9DL argument was repeatedly influential. However, the participation with their agenda provided confusion, distortion, and conundrum to the existing SCS dispute.

To better understand the anatomy of the SCS dispute and its impact on Natuna issue, the following relevant conflicts should be distinguished. Firstly, the concept of ownership, where feature claim was questioned, namely *'Who owns which features?'*. This was the original cause of the entire dispute, where five claimants, namely China/Taiwan, Vietnam, the Philippines, Malaysia, and Brunei Darussalam, presently occupied and claimed relevant features in the SCS overlapping with one another. In this case, Indonesia was not a claimant state, due to having no claim over any feature in the SCS and Natuna Islands. This dispute was partially resolved by the SCS Tribunal, stating that Mischief Reef and Second Thomas Shoal were low-tide elevations within the Philippines exclusive economic zone and continental shelf, not capable of appropriation.¹² Based on this ruling, the two features were deemed as belonging to the Philippines, leading to their removal from the 'disputed box.' These conditions showed that the remaining issues were then resolved by the claimants.

Secondly, the dispute on maritime rights/entitlement and delimitation, where the conflicts were not unique and were entirely categorized within the UNCLOS regime. This indicated that some states commonly negotiated and established maritime delimitation with their neighbors during entitlements overlapping. Regarding the SCS dispute, delimitation was non-negotiable at this stage, due to the unsettled ownership of the features, as mentioned in the first issue. Delimitation within and between features in the SCS was also only addressed when the ownership status was determined.

In the absence of clear feature ownership, the following problematic facts surrounding the dispute and enabling its high acuteness were emphasized. Firstly, all claimants, specifically China, considered

¹² PCA Case No. 2013-19 in the Matter of the South China Sea before An Arbitral Tribunal Constituted Under Annex VII to the 1982 United Nations Convention on the Law of the Sea between the Republic of the Philippines and the People's Republic of China, PCA Award 2013, para 1203 B (7).

all maritime features in the SCS, including islands, rocks, or just underwater, to be entitled to possessing a 200 Nm EEZ. From this context, the SCS Tribunal surprisingly stated that none of the features met the criteria of ‘islands’, leading to their disqualification for a 200 Nm exclusive economic zone or as a continental shelf. In a more specific determination, the Tribunal declared that some features were rocks and were only entitled to 12 Nm territorial sea.¹³ Secondly, the vague 9DL was considered invalid by the SCS Tribunal.¹⁴

Based on these legal perspectives, the position of Indonesia in the dispute was very evident. As a coastal settlement neighboring the SCS, the country also shared maritime right/claim, only overlapping with Malaysia and Vietnam.¹⁵ Moreover, the Tribunal specifically stated that the disputed Cuarteroon reef, the nearest feature (377 Nm) to Natuna Island, was a rock and not entitled to a 200 Nm maritime zone. This confirmed the reef did not overlap with the EEZ of Indonesia regardless of the feature ownership. Despite clarification by the SCS Tribunal, China still ignored the Award and continued with its claim over Natuna waters.¹⁶

III. THE EVOLUTION OF BEIJING CLAIM IN NATUNA WATERS

The waters were calm even when the SCS conflict started, particularly during the inception of the standoff between China and Vietnam over the Paracel Islands in 1974. From this context, Indonesia was convinced about being a real third party in the conflict, with both affected parties advised to seek the ICJ for peaceful settlements.¹⁷ This proved that the third-party state only intervened in the SCS conflict through diplomatic

¹³ PCA Case No 2013-19, para 1203 B (3)-(7).

¹⁴ *Ibid.*, para 1203 B (2).

¹⁵ The Annual Press Statement of the Minister for Foreign Affairs of the Republic of Indonesia, 7 January 2016, Ministry of Foreign Affairs of Indonesia, accessed 26 June 2023, <http://www.kemlu.go.id/en/pidato/menlu/Pages/TheAnnual-Press-Statement-of-the-Indonesian-Minister-for-Foreign-Affairs-2016.aspx>

¹⁶ “Regular Press Briefing,” Ministry of Foreign Affairs of the People’s Republic of China, 12 July 2016, accessed on 28 June 2023, <https://www.Fmprc.gov.cn/>.

¹⁷ Kompas, 5 February 1974.

channels, protesting the China Legislation of 1999 responsible for drawing straight baselines in the Paracel Islands, and emphasizing its difference to UNCLOS 1982.¹⁸ Therefore, the intervention of Indonesia did not intend to participate in the SCS dispute, due to being a merely expressed concern over the inappropriate application of straight baselines by China.

The belief that Indonesia did not intervene in the SCS conflict was the core principle of its foreign policy toward the Southern China Sea, through the adoption of various historical facts. For instance, China was not bothered when Indonesia and Malaysia concluded their Agreement on the continental shelf within the SCS in 1969,¹⁹ encompassing the areas apparently categorized in the 9DL. This Agreement was registered to the UN Secretary-General and publicly announced to China without objections.

During the UNCLOS 1982 negotiations, where the China delegation played an active role, any possible overlapping or historic claim between the two countries was not observed over the various maritime zones being discussed and established. Meanwhile, when the archipelagic regime was discussed, several neighboring States, except China, showcased the interest in retaining their existing rights in the area. These interests emphasized the conversion of the areas into the archipelagic waters of Indonesia. The resulting issues were also subjects of *quid pro quo* negotiations during the Law of the Sea Conference, leading to mutually agreed provisions in the Convention. From these descriptions, Thailand, Malaysia, and Singapore requested guarantees from Indonesia, prioritizing the respect for their existing rights within specific archipelagic waters areas, as reflected in Articles 47 (6) and 51 of UNCLOS 1982.²⁰ When the 9DL was considered a substantive claim,

¹⁸ Ministry of Foreign Affairs of the Republic of Indonesia, 16 July 1996, *Aide Memoire*. On file with Author.

¹⁹ The agreed line is within the 9DL. See the Agreement between the Government of Malaysia and the Government of Indonesia on the Delimitation of the Continental Shelves between the Two Countries, 27 October 1969, accessed 27 June 2023, <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/MYSIDN1969CS.PDF>

²⁰ Thailand, Malaysia, and Singapore, among others, requested guarantees from Indonesia respecting their existing rights within certain areas falling within Indonesia's

the China delegation was expected to emphasize appropriate elevation during the conference.

Based on this honest-broker status, Indonesia, through a prominent diplomat, Hasjim Djalal, initiated a long series of workshops on ‘Managing Potential Conflicts in the South China Sea’ since 1990. This engaged all claimant states in informal round-table discussions, with Indonesia acting as a non-claimant in an honest broker role.²¹ However, the Foreign Affairs Ministry of the country became curious when the 9DL initially appeared and turned out popular in the 1993 Workshop on SCS, where the delegation of China distributed a map depicting the lines.²² In this case, Indonesia initially inquired about the meaning of 9DL and obtained no response. This led to the performance of a high-level approach by the country, to safeguard its Natuna EEZ from potential encroachments, through the transmission of a formal diplomatic note in 1994 toward questioning the line interpretation. No satisfactory response was also provided to the question regardless of the high-level approach. These ignored requests prompted the Indonesian Foreign Minister, Ali Alatas, to conduct a meeting with the China Foreign Minister Qian Qichen within Beijing in 1995. From this meeting, the China Minister assured that China had no dispute in Spratly and did not establish any overlapping claims with Indonesia.²³ This assurance comforted Indonesia, which then continuously played its non-claimant role without any doubts.

According to these descriptions, China preferred cooperation over confrontation and was successfully ‘silent’ and vague about its claim regarding the 9DL. The Foreign Minister of the country, Qian Qichen,

archipelagic waters, as reflected in Article 47 (6) and 51 of UNCLOS 1982, see Hasyim Djalal, *Perjuangan Indonesia di Bidang Hukum Laut / the Struggle of Indonesia on Law of the Sea* / (Bandung: Bina Cipta, 1979).

²¹ For the background of this Workshop see Hasyim Djalal, “Indonesia and the South China Sea Initiative”, *Ocean Development & International Law* 32, no. 2 (2001): 97-103.

²² An interview between the author with Dr. Hasjim Djalal can be accessed through Youtube: *Foreign Policy Tapes - Wawancara Prof. Hasjim Djalal tentang Laut Tiongkok Selatan / Interview with Prof. Hasjim Djalal on South China Sea*, FPCI, 12 June 2019, accessed on 29 June 2023, <https://www.youtube.com/watch?v=f9Lh0DF5JtM>

²³ Internal Note, 29 May 2003, On file with author.

also skillfully responded to the inquiry of Indonesia on the meaning of the 9DL, assuring no territorial dispute between the two nations. This indirect explanation was effective in the belief of Indonesia about extending their EEZ 200 Nm from Natuna Island without any legal constraints, as stated by UNCLOS 1982. In this case, Minister Alatas assumed that the EEZ was not subject to any claims conflicting with UNCLOS 1982.²⁴ Furthermore, Indonesia ignored an important point that China attempted to hide and was not specifically raised by Alatas, namely the constitutional level of the 9DL claim over Natuna waters. This was subsequently detected through continuous inquiry developments, where China perspective remained silent or deliberately ambiguous. A notable Chinese scholar also stated that the clarification of the dashed line was only capable of escalating tensions.²⁵ From these subsequent deliberations, the 9DL encroachment into Natuna EEZ of Indonesia was showcased on multiple occasions, as observed in China Submission to the UN Commission on the Limits of the Continental Shelf on 1 December 2009. This condition emphasized a previous Joint Submission by Malaysia and Vietnam to the same authority, to extend their continental shelves beyond 200 Nm in the SCS. In 2012, China also issued passports depicting the 9DL without providing any legal explanation. This led to a calm protest by the Indonesian Foreign Ministry, accompanied by the assurance that the 9DL did not affect the long-standing belief of the country, where no actual dispute was observed with China in the SCS.²⁶

Several incidents were also observed in 2010, such as the arraignment of China fishing vessels operating in Natuna waters within the 9DL by Indonesia. However, the issue was eventually resolved discreetly by the two countries. As requested by China, the incident was not publicly

²⁴ Simon Sinaga, "No problem with China over Natuna Isles, says Alatas," *The Strait Times*, 27 June 1995.

²⁵ Fu Ying, Wu Shicun, "South China Sea: How We Got to This Stage, Understanding the source of the tension," *The National Interest*, 9 May 2016, accessed 26 Juni 2023, <http://nationalinterest.org/feature/south-china-sea-how-we-got-stage-16118?page=show>,

²⁶ The traditional position of non-claimant assertion by Indonesia in the SCS conflict has been widely criticized by some observers as 'pretending to have no dispute'. Bill Hayton, *South China Sea: the Struggle for Power in Asia* (Yale University Press, 2014), xvii.

exposed and addressed with a ‘*don’t ask don’t tell*’ approach, leading to the release of the vessels. The diplomatic row was also managed carefully, with the two Governments establishing a bilateral mechanism under the Memorandum of Understandings on Maritime Cooperation on 23 March 2012, to avoid subsequent misunderstanding. From this context, the bilateral dialogue cooperated and overlooked the unclear claim, without intending to handle the ambiguous declaration. In addition, the incidents continuously occurred in 2013 and were resolved discreetly by releasing illegal fishing vessels.

The complacency of Indonesia with the 9DL had dramatically changed since President Jokowi assumed office in 2014, placing maritime policy high on the domestic agenda. This was accompanied by the appointment of the Minister of Fisheries, Susi Pudjiastuti, due to her hardline stance on IUU fishing, to oversee legal enforcement in fishing activities. When a similar trespassing incident occurred on 19 March 2016, Minister Susi did not hesitate to take strong measures, with China fishing vessels arrested and towed to the nearest port. However, a Chinese Coast Guard ship rammed the vessels during the arraignment procedures, hindering the legal enforcement process. Compared to the previous administration, Minister Susi selected megaphone diplomacy to expose the incident, summoning China Ambassador and causing a real diplomatic row between the two countries. In this case, the Indonesian Foreign Ministry conducted a strong diplomatic protest, triggering an intensive exchange of official statements between Indonesia and China.²⁷

Based on these descriptions, Indonesia became suspicious that the 9DL was clearly manifested on the ground and not merely an ambiguous map line. This provided a new dimension to the foreign policy of the country, with the awareness that China had a real claim and remained ambiguous regarding EEZ.²⁸ Furthermore, China

²⁷ Katie Hunt, “South China Sea: Indonesia issues protest to China,” *CNN*, 22 March 2016, accessed 25 June 2023, <https://edition.cnn.com/2016/03/21/asia/indonesia-china-south-china-sea/index.html>. *Diplomatic Protest Note*, 1 March 2016, Ministry of Foreign Affairs of Indonesia, on file with Author; “*Regular Press Briefing*,” 21 & 22 March 2016, Ministry of Foreign Affairs of the People’s Republic of China, accessed 28 June 2023, <https://www.fmprc.gov.cn/>.

²⁸ Munmun Majumdar, “Beijing Raising the Ante in the Natunas: The Next Flash Point in the South China Sea,” *India Quarterly: A Journal of International Affairs* 77, no. 3

encountered difficulties in managing the ‘silent’ claim under the Jokowi Administration. According to Zhao, China transitioned from a delaying strategy, characterized by strategic ambiguity, to a more assertive stance with planned clarity.²⁹ From this context, the following consecutive events shifted the country away from its ‘silent’ perception. Firstly, Indonesia exerted pressure on a series of media statements, regarding Natuna incident of 19 March 2016. This pressure demanded the real interpretation of the 9DL claim from China, as well as the reasons fishing vessels of the country were always on Natuna waters. In this case, China was compelled to respond through a Foreign Ministry spokesperson on 21 March 2016 and provided a slightly substantive claim. The claim argued that ‘the incident was conducted in traditional Chinese fishing grounds, with the vessels merely performing normal operations in this area’.³⁰

The claim emphasizing ‘*traditional fishing grounds*’, newly introduced by China, subsequently led to strong objections from the Indonesian Government³¹ and regional scholars in Southeast Asia.³² This caused continuous demands for clarification on the interpretation of the new claim based on UNCLOS 1982. A fitting response was not also provided, with China attempting to mollify Indonesia through the acquisition of its classic formula. From this attempt, ‘Indonesia had no territorial claims over Nansha Islands, with China fully agreeing that Natuna features belonged to the complaining country.’³³ Since the

(2021): 4.

²⁹ Zhao Suisheng argued that China has shifted from a delaying strategy characterized by strategic ambiguity to strategic clarity and an increasingly assertive stance, see Suisheng Zhao, “East Asian Disorder: China and the South China Sea Disputes,” *Asian Survey* 60, no. 3 (2020): 493.

³⁰ “*Regular Press Briefing*,” 21 March 2016, Ministry of Foreign Affairs of the People’s Republic of China, accessed 28 June 2023, <https://www.fmprc.gov.cn>.

³¹ Donald E. Weatherbee, “Re-Assessing Indonesia’s Role in the South China Sea,” *ISEAS Perspective*, no. 18 (2016), accessed 26 June 2023, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2016_18.pdf.

³² The notion Traditional Fishing Ground raised by China in the Natuna waters is discussed by M. Taylor Fravel, 11 July 2016, Traditional Fishing Grounds and China’s Historic Rights Claims in the South China Sea, the National Bureau of Asian Research (NBR), accessed 27 June 2023, <https://www.nbr.org/publication/traditional-fishing-grounds-and-chinas-historic-rights-claims-in-the-south-china-sea/>.

³³ “*Regular Press Briefing*,” 22 March 2016, Ministry of Foreign Affairs of the People’s

incident, Indonesia had increasingly intensified its legal enforcement in Natuna waters. In June 2016, two incidents were subsequently recorded, where the national enforcement agencies arrested several Chinese fishing vessels. Despite the cautious response provided, China still emphasized a slight dispute between both countries in the waters. From this context, the spokesperson carefully formulated the statement, indicating that ‘both countries had different opinions on the affected waters’.³⁴ China also remained ambiguous regarding the purpose of its claim without being silent, leading to the use of ‘different opinion’ than ‘dispute’.

The surprising use of ‘traditional fishing ground’ by China without clarification prompted the curiosity of the Indonesian Foreign Ministry. Under President Widodo, the Foreign Minister, Retno Marsudi, intensified communication with China, to seek formal confirmation regarding the claim, specifically over Natuna waters. Private communications at the highest level also stated that China acknowledged no claim over the island, although a declaration was confirmed over the waters without appropriate specifications and scopes.³⁵ From this period, the country continuously stopped hiding its claim over the EEZ of Indonesia and remained ambiguous.

On 17 June 2016, another incident was observed in the same hot spot, where the national navy enforced and dispelled various Chinese fishing vessels with several casualties. In this case, China protested and introduced its subsequent legal defence, stating that ‘Indonesia had overlapping claims for maritime rights and interests’.³⁶ Similar to other situations, the response provided remained unclear about the constituents of maritime rights and interests, since the terms were unknown under UNCLOS 1982. Despite repeated requests, no subsequent details on the terms were produced. At this stage, the descriptive patterns of China about its declaration were slightly developed, from merely ‘different

Republic of China, accessed 28 June 2023, <https://www.Fmprc.gov.cn/>.

³⁴ “Regular Press Briefing,” 29 May 2016, Ministry of Foreign Affairs of the People’s Republic of China, accessed 28 June 2023, <https://www.Fmprc.gov.cn/>.

³⁵ White Paper (internal) on Natuna, Ministry of Foreign Affairs of the Republic of Indonesia, Jakarta, 2020. On file with Author.

³⁶ “Regular Press Briefing,” 19 June 2016, Ministry of Foreign Affairs of the People’s Republic of China, accessed 28 June 2023, <https://www.Fmprc.gov.cn/>.

opinions’ to more precise and ambiguous terms, namely ‘overlapping claims for maritime rights and interests’.

Secondly, the SCS Tribunal initiated by the Philippines in 2013 shifted China to painstakingly handle the 9DL claim. This indicated that the legal challenges raised by the Philippines forced China to clearly and legally ‘speak up’ about the claim due to its constitutional defence. To address the legally well-defined submission of the Philippines, China devised appropriate legal explanations and was not repetitive about its existing ambiguous arguments. This included their explanation regarding overlapping maritime rights in the SCS with Indonesia. Based on the non-appearance in the proceedings and legal defence from outside the Tribunal, China also pursued various venues to expose its constitutionality by issuing white papers³⁷ and mobilizing scholarly works.³⁸

From these descriptions, the numerous legal arguments from China and its scholars, expected to provide a clear explanation of the 9DL claim, unfortunately failed to illuminate the conundrum. Compared to clarifying the legal content and scope of the 9DL, China merely asserted that its historic rights in the SCS aligned with UNCLOS.³⁹ This indicated that the remaining arguments merely reiterate the specific relevant points thoroughly refuted by the SCS Tribunal, specifically ‘UNCLOS not excluding its predated historic rights while being continuously claimed’. Based on the SCS Tribunal Award, Chinese scholars with the China Society of International Law issued a critical

³⁷ White Paper: China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea, July 2016, the Government of the People’s Republic of China, accessed 17 June 2023, https://www.chinadaily.com.cn/world/2016-07/13/content_26075050.htm; and Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines, 7 December 2014, the Government of People’s Republic of China, accessed 27 June 2023, https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/201412/t20141207_679387.html.

³⁸ Stefan Talmon, Bing Bing Jia, eds., *The South China Sea Arbitration: A Chinese Perspective* (Oxford: Hart Publishing, 2014), 67.

³⁹ “Regular Press Briefing,” 6 July 2016, Ministry of Foreign Affairs of the People’s Republic of China, Accessed 28 June 2023, accessed on 28 June 2023, <https://www.fmprc.gov.cn/>.

study to comprehensively analyze the award.⁴⁰ This study was jointly conducted by 70 scholars, which were members of the CSIL (Chinese Society of International Law). It also resembled the counter-memorials to the Philippines submission, which should have been better presented in the SCS Tribunal proceedings. In addition, the Tribunal Award was highly attacked without focusing on the Philippines submission as normal in litigation. No authoritative legal weight was also prioritized, compared to the activities of the Award being attacked. This condition painstakingly attempted to reconstruct the critical issue of the historic rights nature claimed by China in the SCS. However, the content of China special rights in the SCS was not highly and intelligibly explained, according to adequate observations.⁴¹

From these descriptions, the Critical Study introduced China theory of historic rights under general international law beyond UNCLOS 1982. This indicated that the merits of the argument were related to Natuna waters. Chinese Society of International Law⁴² also argued that historic rights existed within the 9DL and arguably constituted overlapping claims with Natuna waters of Indonesia. Since UNCLOS only recognized the overlapping of zonal maritime entitlement through coastal basepoints instead of a sea dash line, conducting the delimitation exercise using the imaginary line became challenging. Regardless of the patterns by which the theory was excellently constructed and endorsed by the Chinese government, the international legal principle emphasized the inability of the claim to unilaterally bind other states, including Indonesia. This unilateral position should be transformed into the customary international law compatible with UNCLOS 1982 since the precedent was observed for the exercise type. In 1957, Indonesia also unilaterally declared its archipelagic baselines, enclosing archipelagos and significantly expanding maritime zones. This act subsequently led

⁴⁰ Chinese Society of International Law, "The South China Sea Arbitration Awards: A Critical Study," *Chinese Journal of International Law* 17, no. 2 (2018): 210.

⁴¹ Douglas Guilfoyle, "A new twist in the South China Sea Arbitration: The Chinese Society of International Law's Critical Study," *EJILTALK*, 25 May 2018, accessed 27 June 2023, <https://www.ejiltalk.org/a-new-twist-in-the-south-china-sea-arbitration-the-chinese-society-of-international-laws-critical-study/>.

⁴² Chinese Society of International Law, "The South China Sea Arbitration Awards," 322.

to accusations of breach of international law. As a responsible member of the international community, Indonesia sought recognition of the archipelagic regime and then achieved its adoption in UNCLOS 1982.⁴³ For this achievement, the country was considered the producer of international law and not the violators.

Based on these descriptions, the previous legal arguments failed to fully explain the nature of the 9DL, concerning its application to Natuna waters. These arguments primarily addressed the public pressure triggered by the SCS Tribunal, compared to convincing the international community. China did not also officially endorse its scholars' critical study, which was not perceived by the international community as an official stance. Moreover, the China scholars interestingly held varying perspectives on historic 9DL rights, specifically concerning incidents in Natuna waters. The majority of the scholars argued that the claim of their country in the waters was a 'non-exclusively exercised traditional fishing rights declaration' and did not seek sovereign rights/jurisdiction in Natuna EEZ for commercial fisheries or oil-gas development purposes. Compared to the situations in the Manila and Hanoi EEZs, China did not challenge Jakarta hydrocarbon rights within these waters.⁴⁴ Based on a *UNCLOS-Friendly* argument introduced by Valencia,⁴⁵ the ambiguity of China with the claim was criticized, accompanied by the advice for Indonesia to grant access rights to its waters. Furthermore, a more legal-sounding perspective was asserted by Duo,⁴⁶ where the existence of

⁴³ How the unilateral concept of archipelagic states was adopted in the UNCLOS 1982 see John G. Butcher and R.E. Elson, *Sovereignty and the Sea: How Indonesia Became an Archipelagic State* (Singapore: National University of Singapore Press, 2017), 98.

⁴⁴ Sourabh Gupta, "Jakarta should not dismiss Beijing's 'historic rights' claim," *Jakarta Post*, 11 January 2020, accessed 27 June 2023, <https://www.thejakartapost.com/academia/2020/01/11/jakarta-should-not-dismiss-beijings-historic-rights-claim.html>. Cheng Hanping, "Indonesia should make comprehensive considerations on the South China Sea," *Global Times*, 4 August 2020, accessed 28 June 2023, <https://www.globaltimes.cn/content/1196714.shtml>.

⁴⁵ Mark J. Valencia, "China-Indonesia South China Sea likely incident is a blip in a long trend of mutual adjustment," *ASEAN-Today*, 24 January 2020, accessed 28 June 2023, <https://www.aseantoday.com/2020/01/china-indonesia-south-china-sea-incident-likely-a-blip-in-a-long-term-trend-of-mutual-adjustment/>.

⁴⁶ Dio Ding, "China and Indonesia can find common ground over a shared interest: fishing," *South China Morning Post*, 15 January 2020, accessed 28 June 2023, <https://www.scmp.com/news/china/diplomacy/article/3046073/china-and-indonesia-can-find->

overlapping claims over EEZ and continental shelves were observed between the countries, without attaching the 9DL. According to Lei Xiaolu,⁴⁷ the waters were within an area pending maritime delimitation, which overlapped between China and Indonesia EEZ claims regarding Nansha and Natuna Islands, respectively. From these descriptions, the different and conflicting perspectives on the scope and contents of the 9DL expressed by Chinese scholars led to a convincing belief among Indonesian officials and experts, where the credibility of the claim was increasingly questioned.

IV. THE CHALLENGES OF CHINA AND THE RESPONSE OF INDONESIA IN NATUNA WATERS

The loss of the 9DL legal credibility, even as an embryonic constitutional concept, was unable to prevent China from asserting the claim on the ground, leading to an increasing number of standoffs with almost all claimants in the SCS. Simultaneously, the US continuously protected its strategic interests and asserted the freedom of navigation in the SCS. In these dynamic situations, China and Indonesia attempted to intensify economic relations while continuously defending their respective claims in Natuna waters.

On 19 December 2019, an incident in Natuna waters was considered the most intense diplomatic row, placing relations at the lowest level.⁴⁸ This row was characterized by an exchange of harsh words between the respective spokespersons. In this case, China started with a smart approach by providing a bilateral dialogue for appropriate dispute management,⁴⁹ with Indonesia immediately rejecting the proposal. The rejection also emphasized a statement that the country had no

common-ground-over-shared.

⁴⁷ Xiaolu Lei, "Who can fish in waters near Natuna Islands and how?" *Jakarta Post*, 11 March 2020, accessed 27 June 2023, <https://www.thejakartapost.com/academia/2020/03/11/who-can-fish-in-waters-near-natuna-islands-and-how.html>.

⁴⁸ Damos Dumoli Agusman and Citra Yuda Nur Fatihah, "Celebrating the 25th Anniversary of UNCLOS Legal Perspective: The Natuna Case," *Indonesian Journal of International Law* 17, no. 4 (2020): 557.

⁴⁹ "Regular Press Briefing," 30 December 2019, Ministry of Foreign Affairs of the People's Republic of China, accessed 28 June 2023, <https://www.fmprc.gov.cn/>

overlapping claim with China in Natuna waters, referencing the SCS Tribunal Award for confirmation and tagging any dialogue on the issue as irrelevant. Subsequently, Indonesia repeatedly requested China to clarify the meaning of the 9DL during the brewing dispute.⁵⁰ This statement angered China, leading to the elevation of a strong and high-tone reaction stated as follows:

‘Whether the Indonesian side accepts it or not, nothing will change the objective fact that China has rights and interests over the relevant waters. The so-called award of the SCS arbitration is illegal, null, and void, and we have long made it clear that China neither accepts nor recognizes it. The Chinese side firmly opposes any country, organization, or individual using the invalid arbitration award to hurt the interests of the country.’⁵¹

Based on this conflict, China did not provide any clarification on the rights and interests over the relevant waters, showing its sensitivity when Indonesia referenced the SCS Tribunal Award. From the response provided, the Indonesian were considered more aggressive with the visit of President Jokowi to Natuna Island on 8 January 2022 as a symbolic challenge. China also suddenly reduced its harsh tone and pursued a persuasive attitude by drawing attention to the upcoming 70th anniversary of diplomatic ties between the two countries. It also indicated that both countries were in communication with each other through diplomatic channels, regarding recent maritime developments.⁵² In addition, the incident began to fade away when China fishing vessels slowly abandoned Natuna waters.

Regarding the recent incident, China transformed the battlefield on the ground, avoiding unnecessary escalation with Indonesia to prevent criticism from the world about the 9DL. It was also aware that confronting the complaining country was capable of causing involvement from external powers. Since the incident, no subsequent occurrences were

⁵⁰ Ministry of Foreign Affairs of the Republic of Indonesia, 1 January 2020, “Press Release,” accessed 25 June 2023, https://kemlu.go.id/portal/id/read/933/siaran_pers/ri-kembali-tegaskan-tolak-klaim-unilateral-rrt-atas-zee-indonesia.

⁵¹ “Regular Press Briefing,” 2 January 2020, Ministry of Foreign Affairs of the People’s Republic of China, accessed 27 June 2023, <https://www.fmprc.gov.cn/>

⁵² “Regular Press Briefing,” 7 January 2020, Ministry of Foreign Affairs of the People’s Republic of China, accessed 27 June 2023, <https://www.fmprc.gov.cn/>

reported, as the China Coast Guard continuously patrolled the waters to sustain the 9DL claim without the detection of fishing vessels. Indonesia was also capable of perceiving the movement of Coast Guard vessels as freedom of navigation in its EEZ and likely to only enforce appropriate measures concerning inappropriate fishing activities.

From these descriptions, China was attempting to divert public attention from the concept of the 9DL and its associated historic rights to a more international law-friendly proposal. Several brainstorming ideas, such as the ‘hybrid theory,’ were also introduced by Chinese scholars to strengthen the status of island reclamation in the SCS. These scholars argued that reclaimed islands were a combination of artificial and natural zones. However, outside the scope of UNCLOS 1982 regardless of its priority, artificial islands were unable to generate maritime zones.⁵³ In this case, the reclamation of the island was capable of generating maritime zones of similar size to those encompassed by the 9DL.

Other scholars also attempted to apply the specific principles practiced by archipelagic States in the Spratlys, arguing that UNCLOS 1982 did not prohibit the application regardless of the unfit patterns of the criteria required by the Convention. This issue was addressed during LOS Conferences and failed to be covered by UNCLOS 1982, leading to its continuous regulation by the general international law outside the Convention.⁵⁴ Although the regulation was not innovative, the concept was still recently developed into the ‘Four Sha’, whose introduction was claimed by Ma Xinmin, Deputy Director General, Department of Treaty and Law, Ministry of Foreign Affairs of China in a closed meeting with the US State Department Officials in August 2017.⁵⁵ According to

⁵³ Keyuan Zou, Presentation at The 2nd Conference on Finding a Resolution on the Issue on the South China Sea, organized by CSIS-Indonesia and NISCS, Hoiko, Hainan, 18-20 January 2016.

⁵⁴ Hong Nong, Li Jianwei, Chen Pingping, “The Concept of Archipelagic State and the South China Sea: UNCLOS. State Practice and Implication,” *China Oceans Law Review* 2013, no. 1 (2013): 209.

⁵⁵ Bill Gertz, “Beijing Adopts New Tactic for S. China Sea Claims,” *The Washington Free Beacon*, 21 September 2017, accessed 28 June 2023, freebeacon.com/nationalsecurity/beijingadoptsnewtacticschinaseaclaims/. Julian Ku and Chris Mirasola, “The South China Sea and China’s ‘Four Sha’ Claim: New Legal Theory, Same Bad Argument,”

this theory, China regarded Dongsha (Pratas Islands), Xisha (Paracels Islands), Zongsha (Macclesfield Islands), and Nansha (Spratly Islands) as four archipelagos entitled to apply archipelagic baselines. By drawing the baselines enclosing SCS features, the country was also expected to generate maritime zones similar in size to those covered by the 9DL.

In response to this legal assertiveness, Indonesia started consolidating its policy toward the SCS conflict, specifically on Natuna waters. Since this period, the country had boosted its military presence in Natuna Islands,⁵⁶ promoting economic activities and mobilizing fishermen in the waters. The measures enforced also included a campaign to rename the waters ‘North Natuna Sea’, which had prompted protests from China.⁵⁷ Furthermore, Indonesia consolidated its legal positions against the 9DL, by benefiting the SCS Tribunal Award⁵⁸ in a lawfare battle.⁵⁹ In this context, the country pursued the interests in many fora, to protect its legitimate rights over Natuna waters against the 9DL. From an ASEAN perspective, Indonesia was also a prominent member always imposing international law, including UNCLOS 1982, as a basis for the SCS conflict. According to recent ASEAN documents, specifically Statements, ‘*upholding international law including UNCLOS*’ was

Lawfare, 25 September 2017, accessed 27 June 2023, <https://www.lawfareblog.com/south-china-sea-and-chinas-four-sha-claim-new-legal-theory-same-bad-argument>.

Quach Thi Huyen, “The ‘Four-Sha’ Claim: Signaling a Post Covid-19 Global Order,” *Maritime Issue*, 26 November 2020, accessed 27 June 2023, <http://www.maritimeissues.com/law/the-foursha-claim-signalling-a-post-covid19-global-order.html>.

⁵⁶ Ogen/Suharto, “Indonesia to build naval base, combat command in Natuna,” *Antara News*, 27 November 2020, accessed 28 June 2023, <https://en.antaranews.com/news/162640/indonesia-to-build-naval-base-combat-command-in-natuna>.

⁵⁷ Xin Liu, “Indonesia reportedly renames EEZ in South China Sea,” *Global Times*, 15 July 2017, accessed 28 June 2023, <https://www.abc.net.au/news/2017-07-15/south-china-sea-territory-renamed-by-indonesia/8711346>. Wang Fan, “Indonesia reportedly renames EEZ in South China Sea,” *ECNS*, 15 July 2017, accessed 29 June 2023, <https://www.ecns.cn/2017/07-15/265496.shtml>.

⁵⁸ Indonesia claims to be a ‘lucky beneficiary’ of the SCS Tribunal Award. See Damos Agusman, “The South China Sea UNCLOS Tribunal Award 2016: What It Has Changed and What It Does Mean to Indonesia,” *Indonesian Journal of International Law* 14, no. 2 (2017): 134.

⁵⁹ The debate on lawfare in the SCS, see Fu-Kuo Liu and Jonathan Spangler (ed), *South China Sea Lawfare: Legal Perspectives and International Responses to the Philippines v. China Arbitration Case* (South China Sea Think Tank, 2016).

a standard clause categorized under SCS Chapter. The documents following the SCS Tribunal also adopted its significant legal elements, confirming the foundation of UNCLOS in determining maritime entitlements, sovereign rights, jurisdiction, and legitimate interests over maritime zones. Subsequently, it established the legal framework for all activities in the oceans and seas.⁶⁰ These statements were designed to assert international rules-based order, as a guiding principle, in addressing the SCS conflict, emphasizing the rejection of any claim incompatible with UNCLOS 1982. The initiative of Indonesia on the ASEAN Outlook regarding Indo-Pacific, adopted in June 2019, also emphasized the principle of respecting international law, including UNCLOS 1982.⁶¹

Based on an ASEAN-China framework, the approach of the country in establishing a Code of Conduct within the SCS was significantly transitioned. Disappointed with the incidents in Natuna waters and similar escalation elsewhere, Indonesia also supported a more substantive CoC than a rhetorical document.⁶² This implied that the future CoC should be capable of addressing the root cause of the conflict and inevitably ignoring the 9DL in its geographical scope. To prevent the acceptance of the 9DL as valid and reinforce the practical effect of the SCS Tribunal ruling, the measures of the country were shown through ‘persistent objections’ to the 9DL claim. Since the claim became known in 1993, Indonesia had persistently objected to its validity. This objection continued even after a high-level solemn presentation to the China Authority in 1995, with Indonesia consistently lodging diplomatic protests against any event invoking the 9DL. When the incidents in Natuna waters were publicly reported since 2009,

⁶⁰ See Paragraph 65 of *The Chairman’s Statements of the 36th ASEAN Summit: Cohesive and Responsive ASEAN*, 26 June 2020, available at <https://asean.org/chairmans-statement-of-the-36th-asean-summit-26-june-2020-cohesive-and-responsive-asean/>.

⁶¹ See *The ASEAN Outlook on the Indo-Pacific*, June 2019, accessed 27 June 2023, https://asean.org/storage/2019/06/ASEAN-Outlook-on-the-Indo-Pacific_FINAL_22062019.pdf.

⁶² See Paragraph 13 of *Joint Statement of the ASEAN-China Special Summit to Commemorate the 30th Anniversary of ASEAN-China Dialogue Relations: Comprehensive Strategic Partnership for Peace, Security, Prosperity and Sustainable Development*, 22 November 2021.

Indonesia consistently protested against China, asserting that the 9DL was baseless in international law and breached UNCLOS 1982.

Indonesia also joined the international community in exchanging note verbales with some claimant States and other States, emphasizing interests in the SCS against China in 2009-2011. This was triggered by Malaysia and Vietnam Joint Submission to the UN Commission on the Limits of Continental Shelf (CLCS) on 6 May 2009. In this case, China submitted its reply note with an attached map, prompting Indonesia to raise a protesting reaction. This reaction stated that the 9DL lacked a basis in international law, with the SCS features unable to generate EEZ and continental shelves, encroaching on the legitimate interests of the foreign community.⁶³ Furthermore, Natuna incident apparently prompted a significant role for Indonesia in the ‘battle notes’ in 2019/2020. This was triggered by Malaysia partial submission to the same Commission on 12 December 2019. Indonesia also exhibited specific reference to the SCS Tribunal, confirming persistent objection against the 9DL.⁶⁴ These strategies were considered ‘little tricks’ by Chinese observers, which attempted to capitalize on the SCS Tribunal case.⁶⁵ According to Huang Thao,⁶⁶ the following argument was produced:

The robust participation of Indonesia in the battle of the diplomatic notes 2020 arguably promotes other States as well as the Association of Southeast Asian Nations (ASEAN) to create a consistent position based on the UNCLOS as the sole legal basis for defining maritime entitlements and resolving maritime disputes in the SCS.

⁶³ United Nations Commission on the Limits of the Continental Shelf (UN CLCS), 8 July 2010, Communication of the Republic of Indonesia, accessed 28 June 2023, https://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/idn_2010re_mys_vnm_e.pdf

⁶⁴ Damos Agusman, *The Battle of Notes Verbales and the Future of South China Sea in The Notes Verbales Debate and the Future of the COC Negotiations and Cooperation in the South China Sea* (Hanoi: Diplomatic Academy of Vietnam 2, 2001).

⁶⁵ Cheng Hanping, “Indonesia should make comprehensive considerations on the South China Sea,” *Global Times*, 4 August 2020, accessed 28 June 2023, <https://www.globaltimes.cn/content/1196714.shtml>.

⁶⁶ Nguyễn Hồng Thao, “South China Sea: Battle of the Diplomatic Notes among China and Non-Claimant States,” *Asia-Pacific Journal of Ocean Law and Policy* 8, (2023):133-134.

Compared to the previous ‘battle notes’, several foreign countries, such as Germany, France, Australia, Canada, and the United Kingdom, were presently involved. This proved that the present notes interestingly emphasized the several elements adopted from the SCS Tribunal award, including (i) the 9DL was invalid, (ii) no features generated EEZ/continental shelves, and (iii) archipelagic baselines were unable to be applied to the SCS. Regarding the several actions conducted by China, persistent protests were continuously performed. In this case, Indonesia lodged a solemn presentation about the issuance of Coast Guard⁶⁷ and Marine Transportation Laws in 2020 and 2021, respectively. These two legislations ambiguously defined Chinese jurisdiction, emphasizing an area assumingly within the 9DL. Furthermore, the most recent incident not widely covered in the media was the activities of the Indonesian Tuna block within Natuna waters in 2021. This was conducted by Premier Oil Company (a joint UK and Russia Companies) under national licensing,⁶⁸ with drilling activities carried out through the Noble Clyde Boudreaux (NCB) rig. Compared to the previous incidents, these activities provoked China and prompted the necessary reaction to protect the 9DL claim.⁶⁹ China’s reaction was surprising Indonesia since the drilling activities in the area under Indonesia’s licencing is not new and has been taking place since 1971 without any protest from China.⁷⁰ At the initial stage, China sent its Coast Guard to shadow the oil platform, expecting that the operation should be abruptly abandoned. This effort was countered through the enforcement of the Indonesian Navy and Coast Guard, to ensure that the operation continued on schedule toward completion.

⁶⁷ Ministry of Foreign Affairs of the Republic of Indonesia, *Aide Memoir on China Coast Guard Law*, 10 November 2020. On file with Author.

⁶⁸ Carlyle Alan Thayer, “China Coast Guard Lurking in Indonesian Waters,” Thayer Consultancy Background Brief, accessed 28 June 2023, <https://www.scribd.com/document/521046405/Thayer-China-Coast-Guard-Lurking-in-Indonesian-Waters>. The report of this incident has also been issued by Asia Maritime Transparency Initiative, see “Nervous Energy: China Targets new Indonesian and Malaysian Drilling,” Asia Maritime Transparency-Initiative, 12 November 2021, accessed 28 June 2023, <https://amti.csis.org/nervous-energy-china-targets-new-indonesian-malaysian-drilling/>.

⁶⁹ Sebastian Strangio, “China Demanded Halt to Indonesian Drilling Near Natuna Islands: Report,” *The Diplomat*, 2 December 2021, accessed 28 June 2023, <https://thediplomat.com/2021/12/china-demanded-halt-to-indonesian-drilling-near-natuna-islands-report/>.

⁷⁰ Oil and Gas Prospectivity in Natuna Block (Internal Report). On file with Author.

China increased pressure by deploying the survey vessel, ‘Haiyangdizhi Shihao’, near the Premier oil platform for about two months. Despite discreet diplomatic interactions, Indonesia did not directly respond to the actions of China and focused on safeguarding the oil platform. These preventive measures were carried out by transporting additional naval forces to the drilling site. No public statements were also issued by officials regarding the ongoing standoff, as Indonesia prioritized completing the drilling project to demonstrate its legitimate rights to operate in Natuna waters. This emphasized the belief that the resolution to megaphone diplomacy, as in previous incidents, was counterproductive and capable of potentially threatening and disrupting oil field operations, subsequently benefitting China. On November 19, 2021, Premier Oil announced the successful completion of the operation.⁷¹

Based on these descriptions, several warships, including the USS Carl Vinson, USS Lake Champlain, USS Chafee, and HMS Queen Elizabeth, were simultaneously present in the vicinity.⁷² No analysis was also observed from the public regardless of the present foreign forces relationship with the standoff. However, the presence of these forces detrimentally affected the prevention of China from continuous oil rig harassment. The silent response of Indonesia also invited criticism from the public, both domestic and regional observers. These parties suspiciously proved that the country was fully under the control of China. The condition was also understandable since the entire purpose of the standoff was unknown to the public. In addition, many observers focused on the illegal activities of China *per se*, in isolation

⁷¹ Damon Evans, “Harbour strikes gas after successfully wrapping up Tuna drilling amid South China Sea spat,” Energy Voice, 19 November 2021, accessed 27 June 2023, <https://www.energyvoice.com/oilandgas/asia/365700/harbour-strikes-gas-after-successfully-wrapping-up-tuna-drilling-amid-south-china-sea-spat/>.

⁷² Duan Dang made a number of reports on this standoff. See: Duan Dang, “How Did Indonesia Respond to China’s Incursion into the Natuna Sea,” South China Brief, 19 September 2021, accessed 27 June 2023, <https://scsbrief.substack.com/p/how-did-indonesia-respond-to-chinas>. Duang Dang, “South China Sea Brief,” South China Sea Brief, 9 October 2021, accessed 27 June 2023, <https://scsbrief.substack.com/p/south-china-sea-brief-october-09>. and Duan Dang, “What is Happening in Indonesia’s Natuna Sea,” South China Brief, 18 September 2021, accessed 27 June 2023, <https://scsbrief.substack.com/p/what-is-happening-in-indonesias-natuna>.

from the smart tactical approach implemented by Indonesia to ensure the completion of the project. Compared to the public expectation of Indonesia to apply a confrontational response to these illegal activities, the outcome of the standoff surprisingly favored the legal position of the country. This was capable of representing the Javanese saying of ‘menang tanpa ngasorake’, which indicated ‘winning the war without shaming the enemies’. The completion of the oil drilling also became a successful gain, characterizing the battle against the 9DL.

The success story of Indonesia over the drilling activities apparently inspired its neighbors to pursue a similar course of action. In 2018, Vietnam suspended an oil drilling project in the “Red Emperor” block off its southeastern coast. This project was licensed to the Spanish energy firm, Repsol, and halted due to pressure from China.⁷³ However, in 2023, Vietnam resumed the drilling project in the block within 9DL. Malaysia also joined the move and exposed the Kasawari Block drilling in EEZ within the 9DL⁷⁴. These drilling moves obtained similar harassment by China and developed various stand-offs.⁷⁵

Based on the drilling resistances, ASEAN, under Indonesian Chairmanship, initiated plans for joint naval exercises in September 2023 within SCS. Due to the uncomfortable response from China, the plans were redirected to the more consolidated ASEAN replies, which persistently object to the 9DL.

VI. CONCLUSION

⁷³ James Pearson and Henning Gloystein, “Vietnam halts South China Sea oil drilling project under pressure from Beijing,” *Reuter*, 23 March 2018, accessed 27 June 2023, <https://www.reuters.com/article/us-southchinasea-vietnam-idUSKBN1GZ0JN>.

⁷⁴ “(Almost) Everyone is drilling inside the nine-dash line,” Asia Maritime Transparency Initiative, 28 March 2023, accessed 28 June 2023, <https://amti.csis.org/almost-everyone-is-drilling-inside-the-nine-dash-line/>.

⁷⁵ “Perilous Prospects, Tensions Flare at Malaysian, Vietnamese Oil and Gas Fields,” Asia Maritime Transparency Initiative, 30 March 2023, accessed 27 June 2023, <https://amti.csis.org/perilous-prospects-tensions-flare-at-malaysian-vietnamese-oil-and-gas-fields/>.

In conclusion, the recent flashpoint between China and Indonesia occurred in Natuna waters due to the ambiguous 9DL claim. Initially silent, the claim gradually became more ambiguous and manifested on the ground, leading to several incidents in the waters. These events, with the SCS Tribunal Award, compelled China to transition its policy from strategic ambiguity to clarity. However, the country was not successful in achieving strategic clarity vis-a-vis Indonesia, since the achievements were a reactive stance regarding international pressure and not a genuine policy.

To counter the increasing assertion of China, Indonesia adopted a concerted policy as a non-claimant honest broker. This policy emphasized the bilateral, regional, or multilateral insertion of relevant agendas in all fora, to counter the 9DL and engage in a 'lawfare battle'. The assertive policy of the country also seemingly encouraged neighboring countries, leading to the consolidation of a regional resistance against the 9DL.

Since the 9DL was a sacred Chinese concept, the expectation of China to abandon the claim in the future was unlikely, with a possible solution not emphasized. In this case, the country likely shifted to a vague policy towards Indonesia, managing conflicts by balancing assertive claims with the sustainability of strategic interests to avoid unnecessary escalation in the region. Meanwhile, Indonesia maintained strong legal position with nationalist and populist domestic support. The country also strived to enhance economic relations beyond Natuna context. From these descriptions, the compatibility of the two competing policies was considered a significant test for the future relationship between both countries.

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