About an Oil and Natural Gas Mining Treaty in the High Seas of the North Natuna Region with Economic, Legal and Environmental Aspects

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Abstract

This study thoroughly investigates the development of an oil and natural gas mining treaty in the high seas of the North Natuna region, focusing on overlapping Exclusive Economic Zone (EEZ) claims involving Indonesia, Vietnam, and China. Analyzing the geopolitical and economic implications, the research utilizes a comprehensive methodology, including policy document scrutiny and an extensive literature review. The findings underscore the significant potential of North Natuna's natural resources, accentuating the determination of the three nations to assert their territorial claims. Notably, tension arises from China's Nine Dash Line claim, challenging the UNCLOS 1982 arbitral tribunal decision. The study recommends a tripartite resolution, emphasizing a robust Code of Conduct agreement. Despite diplomatic efforts, this research stresses the need for strengthening the Code of Conduct and adopting a tripartite reconciliation approach to ensure the security and sovereignty of the North Natuna region. Enforcing rights through the International Arbitration Tribunal is crucial for lasting peace, stability, and the sustainable management of oil and natural gas activities.

Keywords: *high-sea mining, maritime dispute, oil and natural gas mining treaty, territorial claims.*

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1. Introduction

Indonesia, as one of the world's most expansive archipelagic nations, occupies a strategically vital geographical position that connects the Pacific and Indian Oceans and spans across Asia and Australia.[5] Geopolitically, Indonesia encompasses an extensive area exceeding 5.8 million km², as delineated by the UNCLOS 1982, solidifying its indispensable role in the intricate web of global trade routes.[6] Positioned along the equator, Indonesia boasts a profusion of diverse marine resources, underscoring the significance of its maritime wealth in the national economic context.

The strategic significance of Indonesia in the global trade network is further underscored by the vast expanse of its maritime territory, serving as a reservoir for fisheries, minerals, oil, and energy.[7] In cumulative terms, the marine economy played a substantial role, constituting 3.7% of the overall Gross Domestic Product (GDP) in 2020. However, a decline to 2.8% in 2021, attributed to the pandemic's impact, should not overshadow the immense untapped economic potential inherent in the maritime sector.[8]

Indonesia's maritime domain not only serves as a critical source of protein through fisheries but also encompasses abundant reserves of minerals, oil, and energy.[9] Despite the economic challenges experienced in 2021, the maritime sector retains its pivotal role in Indonesia's economic landscape. The contraction in its GDP contribution needs to be contextualized within global circumstances, while the nation's expansive maritime potential remains a cornerstone for prospective economic development. With marine waters encompassing a significant 62% of Indonesia's total territory, the nation not only reaps the economic benefits of its marine sector, catering to domestic protein needs and facilitating global trade and shipping routes but also enjoys a distinct geographical and geological advantage through its abundant natural gas resources. Since the 1990s, Indonesia has held the status of one of the countries with the largest proven natural gas reserves globally.[10] According to the Worldmeters data release, Indonesia ranks 13th worldwide in terms of proven natural gas reserves, boasting a

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[5] Inggrit Fernandes et al., 'Status of Indonesia's Sovereign Rights in the North Natuna Sea Conflict Area Consequences of China's Nine-Dash Line Claim', *Linguistics and Culture Review* 5, number S3 (29 December 2021): 1775–83, https://doi.org/10.21744/lingcure.v5nS3.2051.

[6] Ted L. McDorman, 'Rights and Jurisdiction over Resources in the South China Sea: UNCLOS and the "Nine-Dash Line"', 29 August 2014, https://doi.org/10.4337/9781783477272.00 013.

[7] I. Rapang et al., 'Maritime Policy Integration Model at Natuna on the Defense and Security Perspective', *Russian Journal of Agricultural and Socio-Economic Sciences* 100, no. 4 (29 April 2020): 73–85, https://doi.org/10.18551/rjoas.2020-04.11.

[8] Muhammad Wirtsa Firdaus et al., 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di Perairan Natuna Utara', *Jurnal Ius Constituendum* 8, no. 2 (28 June 2023): 277, https://doi.org/10.26623/jic.v8i2.6972.

[9] Merisa Dwi Juanita et al., 'Fishermen Empowerment Strategy as a Solution in the Security Management Crisis in the North Natuna Sea', *JMSNI (Journal of Maritime Studies and National Integration)* 5, no. 2 (8 April 2022): 93–100, https://doi.org/10.14710/jmsni.v5i2.13450.

[10] Yety Rochwulaningsih et al., 'Marine Policy Basis of Indonesia as a Maritime State: The Importance of Integrated Economy', *Marine Policy* 108 (1 October 2019): 103,602, https://doi.org/10.1016/j.marpol.2019.103602.

substantial reserve of 1.25 trillion cubic meters (1980–2020). It is noteworthy that this figure represents a 12.3% decrease from the previous year's reserve of 1.43 trillion cubic meters.[11] Despite this slight decline, Indonesia continues to play a pivotal role in the global natural gas landscape, underscoring its significance as a major contributor to the world's energy resources.

The future and potential of natural gas reserves in Indonesia play a pivotal role in the advancement of the energy transition.[12] This significance is underscored by the fact that a substantial 78% of Indonesia's energy requirements are still met by three conventional sources: coal, crude oil, and natural gas. To delve into specifics, the national energy mix at the conclusion of 2021 comprised coal at 38.0%, crude oil at 31.2%, natural gas at 19.3%, and New and Renewable Energy (EBT) at 11.5%.[13] Considering the current availability of crude oil reserves in Indonesia, projected to last only 9.5 years, and the remaining lifespan of coal energy at 65 years, coupled with ecological losses and significantly high emission rates, it is undeniable that the future of Indonesia's energy landscape will position natural gas as the predominant energy source, displacing crude oil and coal.[14] Its lower cost, minimal emissions, abundant reserves, and anticipated international market demand position natural gas as a critical energy resource. Notably, the North Natuna region holds the largest natural gas reserves in Indonesia.[15]

However, the potential exploitation of natural resources in North Natuna faces challenges, particularly in resolving boundary conflicts involving Indonesia, Vietnam, and China.[16] Historically, administratively, and within the framework of international jurisdiction, this resource-rich area in North Natuna Indonesia overlaps on the maps of both Vietnam and China, leading to conflicts that lack legal certainty in terms of resolution. Therefore, it becomes crucial for Indonesia and Vietnam to expedite efforts in renegotiating border demarcations, guided by coherent adherence to international legal norms.[17]

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[11] Andri Yanto, 'Resolusi Konflik Zona Ekonomi Ekslusif Indonesia Dan Vietnam Dalam Pengamanan Sumber Daya Maritim Natuna Utara', *Recht Studiosium Law Review* 2, no. 1 (2023): 9–18.

[12] Abel Parvez et al., 'Reformulation Rancangan Undang-Undang Energi Baru Terbarukan for Transition to Eco-Friendly Energy Based by Green Legislation', *IPHMI Law Journal* 2, no. 1 (2022), https://doi.org/10.15294/ipmhi.v3i1.58069.

[13] Janter Pangaduan Simanjuntak et al., 'Bioenergy as an Alternative Energy Source: Progress and Development to Meet the Energy Mix in Indonesia', *Advanced Research in Fluid Mechanics and Thermal Sciences* 97, no. 1 (13 August 2022): 85–104, https://doi.org/10.37934/arfmts.97.1.85104.

[14] Prasandi Abdul Aziz et al., 'Techno-Economic Solution for Extending Ccus Application in Natural Gas Fields: A Case Study of B Gas Field in Indonesia', *Scientific Contributions Oil and Gas* 46, no. 1 (31 May 2023): 19–28, https://doi.org/10.29017/scog.46.1.1321.

[15] Suhanto and Angelia Krisdanti Nasera Putri, 'Indonesia Policy in Resolving the North Natuna Sea Conflict with Tiongkok: A Case Study of Illegal Fishing in 2019–2020', *Jurnal Sosial Dan Humaniora* 8, no. 1 (12 June 2023): 48–56, https://doi.org/10.47313/pjsh.v8i1.2210.

[16] Faridh Ma'ruf et al., 'The Rationality of Indonesia Free-Active Politics Facing Chinese Aggressiveness in the Claims of the North Natuna Sea', *Technium Social Sciences Journal* 8, no. 1 (15 May 2020): 583–97, https://doi.org/10.47577/tssj.v8i1.496.

[17] Sutrimo Sumarlan et al., 'Indonesia Defence Diplomacy Strategy in Resolving China Claims to Indonesia Exclusive Economic Zone in North Natuna Sea', *The Journal of Contemporary Issues in Business and Government* 27, no. 2 (2021): 265–72, https://doi.org/10.47750/cibg.2021.27.02.033.

The conflict of interests between Indonesia and China in the North Natuna region also poses a significant national security challenge that has surfaced over the past two decades since China reasserted its Nine-Dash Line principle over the South China Sea (SCS).[18] The claim of this imaginary line, controlling 90% of the SCS, is based on a traditional Chinese map from 1949, created post-World War II. According to China's claim, the North Natuna, recognized as part of Indonesia's Exclusive Economic Zone (EEZ) under the United Nations Convention on the Law of the Sea (UNCLOS) in 1982, is included as an integral part of its territory, along with several territorial areas of other Southeast Asian nations.[19] The bilateral conflict between Indonesia and China over the North Natuna is part of the territorial dispute, driven by the high economic potential of natural resources.[20]

China's consistent naval manoeuvres in the North Natuna demonstrate the failure of government efforts to counter external threats and contingencies. The repeated patrols of Chinese Coast Guard (CCG) vessels contribute to regional instability, disrupting Indonesia's exploration and exploitation of natural resources in the North Natuna.[21] This situation necessitates swift actions to establish a long-term conflict resolution. As sovereign nations, it is imperative for all three countries to address border issues to achieve the fulfillment of national interests and a harmonious perception of territorial sovereignty in the disputed area.

Despite the claims from Vietnam and China, Indonesia possesses a stronger legal standing in North Natuna, bolstered by adherence to UNCLOS 1982 and Indonesia's de facto military control over the region.[22] The political significance of Indonesia in North Natuna has significantly escalated since the discovery of abundant natural gas reserves. As a nation heavily dependent on fossil energy, the natural gas reservoirs in North Natuna serve as a crucial guarantee for long-term energy security. However, this discovery has also attracted attention from Vietnam and China. While Indonesia and Vietnam have yet to reach an agreement on North Natuna, China has been assertively asserting its Nine-Dash Line, conducting routine patrols in the South

[18] Eiichi Usuki, 'China's Three Distinctive Assertions under the "Nine-Dash-Line" Claims and the Annexe Vii Arbitral Tribunal's Interpretation of Article 121 Regarding an Island and Rocks under the 1982 Un Convention on the Law of the Sea', 10 September 2017, 141–65, https://doi.org/10.1163/9789004344556_009.

[19] Hongbin Ding and Ihsan Ullah, 'The South China Sea's nine-dash line: key disputes and China's historical rights claims', *Journal of Pakistan-China Studies (JPCS)* 3, no. 1 (1 December 2022): 67–86, https://doi.org/10.55733/jpcs.v3i1.53.

[20] Padraig Lysaght, 'The South China Sea Conflict: Ten Thousand Stones and a Nine-Dash-Line – Rethinking Maritime Space Concepts,' in Alfred Gerstl and Mária Strašáková (eds.), Unresolved Border, Land and Maritime Disputes in Southeast Asia, Brill, 2016, p. 168–82, https://doi.org/10.1163/9789004312180_008.

[21] Ramses Amer, 'China, Vietnam, and the South China Sea: Disputes and Dispute Management', *Ocean Development & International Law* 45, no. 1 (2014): 17–40, https://doi.org/10.1080/00908320.2013.839160.

[22] Binsar Simorangkir, Tri Legionosuko, and Surryanto Djoko Waluyo, 'Improvement Efforts of Indonesia's Defense Diplomacy Performance via Deterrence Strategy in Dealing North Natuna Sea Conflict (2016–2021)', *International Journal of Humanities Education and Social Sciences (IJHESS)* 2, no. 6 (15 June 2023), https://doi.org/10.55227/ijhess.v2i6.519.

China Sea, including North Natuna.[23] North Natuna presently presents both potential and threats. If not resolved promptly, China may reinforce its position to actualize the Nine-Dash Line, supported by its substantial naval power. Therefore, a tripartite resolution, primarily spearheaded by Indonesia, it is imperative to address this intricate situation.

This research is oriented to underscore the importance of a tripartite resolution involving Indonesia, Vietnam, and China from the perspective of Indonesia. North Natuna becomes the focal point where the principles of national sovereignty, resource security, and complex and protracted international relations converge. Indonesia's long-term interests in exploiting resources in North Natuna clash with Vietnam and China's similar interests. Given Indonesia's current position, efforts for a resolution are required that are as mutually beneficial as possible, resolving conflicts and producing legally robust agreements.

2. Research method

This study employs a multidisciplinary approach, combining elements of political science, international relations, and legal analysis to comprehensively examine the complex dynamics surrounding the North Natuna region involving Indonesia, Vietnam, and China. The research methodology is structured in three key phases to provide a nuanced understanding of the issue. Firstly, a thorough review of existing literature and international legal frameworks, particularly the United Nations Convention on the Law of the Sea (UNCLOS) 1982, forms the foundational basis of the research. This literature review aims to identify key historical, administrative, and legal aspects influencing the conflicting claims over North Natuna. Additionally, it delves into the geopolitical context, exploring past incidents, and scrutinizing the perspectives of each involved party.[24]

Secondly, a comparative analysis is conducted to evaluate the effectiveness of dispute resolution mechanisms employed in similar maritime conflicts globally. Case studies involving other nations embroiled in territorial disputes are examined to extract valuable lessons and insights. This comparative approach enhances the study's depth by identifying successful and unsuccessful strategies, contributing to the formulation of pragmatic recommendations for the North Natuna situation. The triangulation of information from these diverse sources ensures a robust and comprehensive analysis, contributing to the development of informed policy recommendations for the sustainable resolution of the North Natuna conflict.

[23] Mustika Sukma Utari et al., 'China's Aggressive Stance in the North Natuna Region, Indonesia Did What?', *Asian Journal of Engineering, Social and Health* 2, no. 7 (31 July 2023): 484–96, https://doi.org/10.46799/ajesh.v2i7.83.

[24] Philip Langbroek et al., 'Methodology of Legal Research: Challenges and Opportunities', *Utrecht Law Review* 13, no. 3 (13 December 2017): 1, https://doi.org/10.18352/ulr.411.

3. Result and discussion

Strategic value of North Natuna for Indonesia's energy and economic security. The South China Sea (SCS) encompasses a vast maritime expanse extending from the Karimata and Malacca Straits to the Taiwan Strait, constituting part of the Pacific Ocean with an expansive area of approximately 3.5 million square kilometers.[25] Defined by the International Hydrographic Organization in the Limits of Oceans and Seas 3rd Edition (1953), the SCS borders China to the north, Vietnam to the east, the Philippines to the west, and the Malay Peninsula and Sumatra to the southeast, including the Singapore Strait. It is further bounded by the Bangka-Belitung Islands, Riau Islands, and Kalimantan to the south. The jurisdictional scope of the SCS, as outlined in UNCLOS 1982, encompasses various forms, including international waters and territorial seas controlled by China, Vietnam, the Philippines, Malaysia, Brunei Darussalam, and Indonesia. The SCS holds immense strategic value across economic, political, and maritime transportation dimensions.

Strategically positioned as the world's second-busiest maritime passage, the SCS plays a pivotal role in global shipping. Over 50% of annual global cargo tonnage, particularly oil shipments, traverses the Malacca, Sunda, and Lombok Straits within the SCS. The sheer volume, with approximately 1.6 million cubic meters (10 million barrels) of crude oil passing through the Malacca Strait daily, renders the SCS three times busier than the Panama Canal in South America. Despite occasional reports of maritime piracy, incidents have significantly decreased since the mid-20th century.[26] In the realm of regional trade among Southeast Asian nations, the SCS serves as a primary maritime artery connecting these countries.[27] It's vital role in facilitating the transportation of goods underscores its economic importance, contributing to the development and prosperity of the surrounding nations. The strategic significance of the SCS is underscored by its multifaceted impact on global trade, economic stability, and regional geopolitics.[28]

The economic potential of the SCS extends to its proven oil reserves of 1.2 cubic kilometres (7.7 billion barrels) and estimated total reserves of 4.5 cubic kilometres (28 billion barrels).[29] Additionally, its natural gas reserves are estimated at a substantial 7,500 cubic kilometers (266 trillion cubic feet). In 2013, the U.S. Energy Information Administration adjusted its oil reserve estimate to 11 billion barrels.

[25] Aaron W. Steffens, 'Scramble in the South China Sea: Regional Conflict and U.S. Strategy', 14 February 2013, https://apps.dtic.mil/sti/tr/pdf/AD1018876.pdf

[26] Hal Brands and Zack Cooper, 'Getting serious about strategy in the South China Sea', *Naval War College Review* 71, no. 1 (2018): 12–32, https://www.jstor.org/stable/26398089.

[27] David A. Scott, 'Conflict Irresolution in the South China Sea', *Asian Survey* 52, no. 6 (1 December 2012): 1019–42, https://doi.org/10.1525/as.2012.52.6.1019.

[28] Dean Karalekas, South China Sea as a Microcosm of Chinese Foreign Policy and Prospects for Asian Polarization. In: Spangler, J., Karalekas, D., Lopes de Souza, M. (eds.) Enterprises, Localities, People, and Policy in the South China Sea. Critical Studies of the Asia-Pacific. Palgrave Macmillan, Cham, 2018, p. 181–94, https://doi.org/10.1007/978-3-319-62828-8_9.

[29] Leszek Buszynski, 'The South China Sea Maritime Dispute: Legality, Power, and Conflict Prevention', *Asian Journal of Peacebuilding* vol. 1, no. 1 (31 May 2013): 39–63, https://doi.org/10.18588/201305.000004.

China's commencement of oil exploration in disputed waters with Vietnam in 2014 underscores the economic significance of the SCS. The Council on Foreign Relations' 2019 report indicates vast natural gas reserves of 900 trillion cubic feet, a significant increase from the 2015 estimate of 266 trillion cubic feet by the American Security Project. These figures highlight the substantial role of the SCS in regional and global energy dynamics, emphasizing its strategic importance for energy exploration and resource development.

The SCS stands out as a global reservoir of marine biodiversity, hosting approximately one third of the world's marine species. This ecological richness has earned the SCS recognition as a biodiversity hotspot, crucial for sustaining diverse ecosystems. However, this natural treasure faces imminent threats, primarily driven by the escalating fishing activities in the region. Alarming data from the Philippines' Department of Environment and Natural Resources reveals that the SCS contributes to 10% of the world's annual fishing catch[30]. Despite its ecological significance, the Southeast Asian nations surrounding the SCS heavily rely on its resources for trade routes, fishing, and national energy security. EEZs within the SCS, belonging to ASEAN countries, represent vital economic potential and high-value trade routes. However, China's territorial claims over these EEZs pose a severe challenge to the territorial integrity and sovereignty of the Southeast Asian nations, leading to heightened tensions in the region.

The intensification of fishing activities not only jeopardizes the delicate balance of marine ecosystems but also poses a threat to the livelihoods of communities dependent on these resources. The need for sustainable practices and conservation efforts is more pressing than ever. As the SCS face these challenges, fostering international cooperation and adherence to conservation principles become imperative to ensure the long-term ecological resilience and biodiversity preservation in the South China Sea.[31] The shared responsibility to protect this global marine heritage underscores the necessity for collaborative and diplomatic initiatives to address the complex interplay of ecological and geopolitical factors in the region.

As an archipelagic nation with an extensive EEZ in SCS, Indonesia's strategic interests converge on safeguarding sovereignty, particularly in the North Natuna Sea. The North Natuna region is endowed with abundant and strategically valuable natural resources, notably significant gas reserves.[32] This maritime expanse holds paramount importance for Indonesia's national economy. Illustrating the economic significance, January 2020 recorded the presence of 812 vessels, collectively weighing 60,715 Gross Tonnage (GT), engaged in fishing activities within the North Natuna Sea's Fisheries Management Area (WPP 711). The annual fish potential in the North Natuna Sea

[30] Renato Cruz De Castro, 'The Limits of Intergovernmentalism: The Philippines' Changing Strategy in the South China Sea Dispute and Its Impact on the Association of Southeast Asian Nations (ASEAN)', *Journal of Current Southeast Asian Affairs* 39, no. 3 (December 2020): 335–58, https://doi.org/10.1177/1868103420935562.

[31] Robert D. Kaplan, 'The South China Sea Is the Future of Conflict', *Foreign Policy*, no. 188 (October 2011): 2011.

[32] Sutrimo Sumarlan et al., *op. cit.*, 'Indonesia Defence Diplomacy Strategy in Resolving China Claims to Indonesia Exclusive Economic Zone in North Natuna Sea', p. 270.

reached a remarkable 767,126 tones in 2017, surpassing the total allowable catch of WPP 711, set at 613,699 tons. This abundance positions the North Natuna Sea as a crucial source for protein supply and a cornerstone of Indonesia's marine food industry.[33]

The economic surplus generated from the fisheries sector in this region contributes significantly to Indonesia's overall economic resilience. Beyond mere economic considerations, the North Natuna Sea plays a pivotal role in ensuring food security, especially in meeting the demands for protein. Thus, Indonesia faces the dual challenge of protecting its sovereignty in the face of territorial disputes and leveraging the rich resources of the North Natuna Sea to foster sustainable economic development. As Indonesia navigates these complexities, a delicate balance between safeguarding territorial integrity and managing marine resources emerges as a central tenet of its strategic approach in the North Natuna Sea.

In the year 2022, evaluations of the proven natural gas reserves in North Natuna unveiled a substantial figure, reaching 1,045.62 billion standard cubic feet (BSCF). Simultaneously, the potential natural gas reserves reached a staggering 1,605.24 BSCF, consisting of 1,083.61 BSCF of anticipated reserves and 521.63 BSCF of possible reserves.[34] The exploration and exploitation of natural gas in the Natuna region, encompassing both North and East Natuna, are spearheaded by Indonesia through a primary consortium involving the state-owned enterprise PT Pertamina. This consortium collaborates with global corporations, including Exxon Mobil and EP Thailand.

Based on calculations and data from the Ministry of Energy and Mineral Resources (ESDM), in 2021, referencing one of the natural gas fields in the Natuna D.-Alpha Block, the outermost maritime territory of Indonesia harbored gas reserves with a volume of 222 trillion cubic feet (TCF). If utilized to meet domestic electrification needs, this reserve could endure for a remarkable 30 years. Furthermore, the recoverable potential gas in the Natuna Islands is estimated at 46 TCF, equivalent to 8,383 billion barrels of oil. Such colossal quantities position Natuna's natural gas reserves as the largest in the entire Asia-Pacific region and even the world.[35]

In terms of practical economic value, the volume of gas in place (Initial Gas in Place/IGIP) with proven reserves amounts to a staggering IDR 6,000 trillion. This economic value far surpasses the total State Budget, standing at 'only' IDR 1,743.6 trillion in 2021. Specifically in the North Natuna region, proven natural gas reserves reach 1,045.62 BSCF, accompanied by potential reserves totalling 1,605.24 BSCF. The immense wealth held in Natuna's gas reserves underscores its pivotal role as a strategic and economic cornerstone for Indonesia.[36]

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[33] Firdaus et al., *op. cit.*, 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di Perairan Natuna Utara', p. 277.
[34] Yanto, *op. cit.*, 'Resolusi Konflik Zona Ekonomi Ekslusif Indonesia Dan Vietnam Dalam Pengamanan Sumber Daya Maritim Natuna Utara', p. 10.
[35] Ibid
[36] Firdaus et al., *op. cit.*, 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di Perairan Natuna Utara', p. 277.

In addition to harboring the largest natural gas potential in Indonesia, North Natuna also boasts considerable proven oil reserves. According to data from the Ministry of Energy and Mineral Resources (ESDM), the proven oil reserves in the North Natuna Sea amount to 92.63 million barrels or Million Stock Tank Barrels (MMSTB). Simultaneously, its potential reserves fall within the range of 137.13 MMSTB. This potential reserve includes anticipated reserves of 88.90 MMSTB and possible reserves of 48.23 MMSTB. These quantities significantly contribute to the national oil reserves, which stand at 3,774.6 MMSTB.[37]

Cumulatively, Indonesia's future energy availability is dependent on reserves in the North Natuna Sea. Beyond the energy sector, the potential marine fisheries resources in North Natuna also make a substantial contribution to the economy. A study on the potential of marine fishery resources in 2011 indicated that Natuna has a sustainable fishery potential of 504,212.85 tons per year.[38] The allowed catch in this zone is 403,370 tons per year, reaching 80% of the sustainable potential. Despite this, the quantity of the catch and the distribution of fisheries in North Natuna can still be optimized through the strengthening of the maritime economic sector and the improvement of fishing facilities and infrastructure by domestic fishermen.

Within the framework of Indonesia's maritime economic concept, the utilization of natural resources in the North Natuna aligns with the provisions of Article 33, Paragraph (3) of the 1945 Constitution, which mandates state control and utilization orientation for the greatest welfare of the people. This economic approach necessitates the state's integrative development of economic sovereignty over all its territories, including North Natuna within the Indonesian Exclusive Economic Zone (ZEE).

The viewpoints of Vietnam, the Philippines, Malaysia, and Brunei Darussalam regarding China's claims to their respective LTS ZEE align with Indonesia's perspective on North Natuna. Meanwhile, for ASEAN as a whole, China's unilateral claims over the LTS could jeopardize the economic stability of its member countries.[39] China, not being part of the ASEAN Free Trade Area (AFTA) or ASEAN, may enforce stringent navigation policies in the LTS, thus threatening the future of global maritime transportation. This has the potential to impact the distribution of energy, constituting over 50% of the total shipping of global oil carriers.[40] The real threat posed by China's claims could have far-reaching implications for the future of the region in terms of economy, transportation, energy, and overall growth.[41]

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[37] Ibid.

[38] Andri Yanto et al., 'Tinjauan Yuridis Penegakan Hukum Illegal Fishing Di Natuna Utara', *Lex Jurnalica* 20, no. 2 (2023), https://doi.org/10.47007/lj.v20i2.6749.

[39] Kasira Cheeppensook, 'ASEAN in the South China Sea Conflict, 2012–2018: A Lesson in Conflict Transformation From Normative Power Europe', *International Economics and Economic Policy* 17, no. 3 (4 July 2020): 747–64, https://doi.org/10.1007/s10368-020-00477-z.

[40] Renato Cruz De Castro et al., 'The Challenge of Conflict Resolution in the South China Sea Dispute: Examining the Prospect of a Stable Peace in East Asia', *International Journal of China Studies* 7, no. 1 (1 April 2016): 23.

[41] Le Hu, 'Examining ASEAN's Effectiveness in Managing South China Sea Disputes', *The Pacific Review* 36, no. 1 (2 January 2023): 119–47, https://doi.org/10.1080/09512748.2021.1934519.

Ongoing challenges: unresolved boundary issues between Indonesia and Vietnam. On April 29, 2019, a tense incident unfolded, leading to a confrontation between vessels from Indonesia and Vietnam. Two government-owned Vietnamese surveillance ships entered Indonesia's EEZ in the North Natuna region, resulting in a collision with the Republic of Indonesia Navy Ship (KRI) Tjiptadi-381.[42] During the incident, the Indonesian Navy (TNI AL), responsible for surveillance and patrolling to expel the Vietnamese vessels from Indonesia's EEZ, took preventive measures to avoid provocation and prevent further escalation of tensions. The collision in 2019 represents a small episode in the extensive history of the border conflict between Indonesia and Vietnam.

The border conflict between these two ASEAN member states dates back to 1963, marked by tensions in the waters of North Natuna Kalimantan. At that time, maritime boundaries had not received precise and internationally binding regulations. The ongoing dispute persists as both nations prioritize their national interests, hindering the establishment of legally binding agreements.[43] The 2019 collision serves as a reminder of the complex history of border conflicts between Indonesia and Vietnam. The absence of a definitive legal framework for maritime boundaries continues to contribute to the challenges faced in resolving this longstanding issue. Efforts towards a comprehensive and mutually agreeable resolution remain crucial for regional stability.[44]

In the realm of international law, both Indonesia and Vietnam have affixed their signatures, undertaken ratification, and stand as integral participants in the UNCLOS 1982.[45] This convention stands as a global agreement to accommodate the interests of nations worldwide, with Indonesia, as an archipelagic state, presenting a unique concept through the Djuanda Declaration of 1957. Under the provisions of UNCLOS, it is explicitly outlined that the maritime territory of a nation can be distinguished into two zones based on its sovereignty. Firstly, there is the territorial sea, extending up to 12 nautical miles or approximately 22 kilometers from the baseline. Within this zone, a country holds full sovereignty, requiring permission for any form of navigation, air passage, or resource utilization by other nations.[46]

The UNCLOS framework establishes the legal foundation for defining and regulating maritime boundaries, providing a comprehensive structure for coastal states to assert their maritime rights and manage shared resources. The adherence to

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[42] Yanto, *op. cit.*, 'Resolusi Konflik Zona Ekonomi Ekslusif Indonesia Dan Vietnam Dalam Pengamanan Sumber Daya Maritim Natuna Utara', p. 10.

[43] Darwis & Putra, B. A., 'Construing Indonesia's Maritime Diplomatic Strategies against Vietnam's Illegal, Unreported, and Unregulated Fishing in the North Natuna Sea', *Asian Affairs: An American Review*, 49(4), 172–192, https://doi.org/10.1080/00927678.2022.2089524.

[44] Bama Andika Putra, 'Rise of Constabulary Maritime Agencies in Southeast Asia: Vietnam's Paragunboat Diplomacy in the North Natuna Seas', *The Social Science* 12, no. 4 (17 April 2023): 241–241, https://doi.org/10.3390/socsci12040241.

[45] Ted McDorman, 'Rights and Jurisdiction over Resources in the South China Sea: UNCLOS and the "Nine-Dash Line"', in *The South China Sea Disputes and Law of the Sea*, vol. 5, 2014.

[46] Yudhawira Bhaskara Sembiring et al., 'The Success of the Bakamla Patrol Ship Weapon in Creating Maritime Security in the North Natuna Sea', *International Journal of Humanities Education and Social Sciences (IJHESS)* 2, no. 5 (22 April 2023), https://doi.org/10.55227/ijhess.v2i5.441.

international conventions like UNCLOS underscores the commitment of Indonesia and Vietnam to the principles of peaceful coexistence and cooperation in the management of maritime affairs. The EEZ, drawn up to 200 nautical miles from the baseline, is a crucial aspect of international maritime law as outlined in the United Nations Convention on the Law of the Sea (UNCLOS) in 1982. This legal framework, to which both Indonesia and Vietnam are signatories, provides a comprehensive structure for addressing the interests of nations globally. Indonesia, being an archipelagic state, presented a unique perspective through the 1957 Djuanda Declaration.

Within the Territorial Sea, extending up to 12 nautical miles or approximately 22 kilometers from the baseline, a nation holds full sovereignty. This includes control over navigation, air passage, and resource utilization, all subject to the state's approval. Beyond this, the EEZ allows a nation to exercise sovereign rights, permitting exploration, exploitation, and resource utilization while ensuring freedom of navigation for other peaceful vessels. The EEZ grants exclusive control over economic resources to the respective nation, with no rights for other countries to explore or exploit without clear bilateral cooperation. Issues between Indonesia and Vietnam echo border disputes worldwide, seen in conflicts between Russia and Finland, China and Japan, or Indonesia and Malaysia. These challenges arise due to overlapping sovereignty claims in the respective nations' territories, underscoring the intricate nature of delineating maritime boundaries in shared zones.

Geographically, the Natuna Islands, comprising 157 islands, are situated in the South China Sea, referred to as the North Natuna Sea by Indonesia since 2017.[47] It is wedged between Malaysia's regions of Sabah and Sarawak and shares borders with Malaysia, Brunei, the Philippines, Cambodia, Vietnam, and the South China Sea.

Applying the provisions of UNCLOS 1982, with a 200-nautical-mile EEZ, the term 'North Natuna' would fall into an overlapping zone between Indonesia's and Vietnam's EEZs. Both Indonesia and Vietnam assert similar claims, considering the region rich in gas, oil, and fisheries as part of their respective territories.[48] Despite twelve rounds of negotiations since the ratification of UNCLOS 1982, efforts to find a resolution between Indonesia and Vietnam have not yielded a binding agreement with a clear legal basis. The situation is further complicated by the presence of Vietnamese fishing vessels in North Natuna, perceived by Indonesia as illegal fishing activities that warrant legal action. From Vietnam's perspective, these vessels are legitimately operating in their own EEZ, prompting their naval and coast guard ships to take aggressive actions, such as the collision with an Indonesian Navy vessel in 2019.

According to the Ministry of Maritime Affairs and Fisheries, from January to October 2021, 25 Vietnamese-flagged vessels were apprehended for illegal fishing in Indonesian waters, highlighting the ongoing challenges in addressing this complex maritime dispute. The Indonesia-Vietnam border dispute has entered a new dimension

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[47] Sutrimo Sumarlan et al., *op. cit.*, 'Indonesia Defence Diplomacy Strategy in Resolving China Claims to Indonesia Exclusive Economic Zone in North Natuna Sea', p. 270.

[48] Ramses Amer, 'China, Vietnam, and the South China Sea: Disputes and Dispute Management', *Ocean Development & International Law* 45, no. 1 (March 2013): 17–41, https://doi.org/10.1080/00908320.2013.839,160.

of complexity following recent revelations about substantial natural gas resources in North Natuna. This discovery significantly bolsters the determination of both nations to assert their respective interests. Vietnam, leveraging not only the UNCLOS-designated 200-nautical-mile zone but also historical recognition of North Natuna as a traditional fishing ground, remains steadfast in its claims.

The heightened intentions of both countries have the potential to complicate the resolution process. Concurrently, tensions between law enforcement, security forces, and fishermen on both sides have increased. For Indonesia, resolving the conflict with Vietnam is an imperative task. The substantial natural gas potential discovered in the region compels the government to expedite the dispute resolution, ensuring sovereignty over North Natuna. The urgency lies in facilitating exploration and exploitation activities promptly and without entanglements in disputes with other nations. Any delay in resolution translates to a deceleration in Indonesia's progress in securing the natural gas potential in North Natuna. The intricate web of geopolitical, economic, and historical factors underscores the pressing need for a diplomatic resolution to pave the way for the mutually beneficial exploitation of the discovered resources.

The third player in North Natuna: China's strategic interests in the South China Sea. The Nine-Dash Line (NDL), also referred to as the Nine-Dash Line with Breaks, represents a segmented demarcation line on China's territorial maps, claimed as an undisputed part of the nation's territory.[49] The NDL encompasses the entire coastline of China and intersects with the EEZ of other countries, including the Senkaku Islands, Paracel Islands, Taiping Island, Spratly Islands, Pratas Islands, Macclesfield Bank, Scarborough Shoal, Natuna Islands, and a substantial portion of the South China Sea.[50] Historically, the NDL has been featured on official Chinese government maps since December 1, 1947, serving as a conceptual representation asserting that the entire South China Sea falls under China's jurisdiction. China's claim over the NDL is rooted in historical facts, particularly traditional fishing practices. This historical perspective contends that Chinese fishermen have long utilized the South China Sea as their traditional fishing grounds. Based on this, China asserts its legal ownership of the South China Sea region.[51]

China's claim over the NDL was also presented during the Permanent Court of Arbitration proceedings, addressing territorial disputes between China and the Philippines in 2013.[52] The argument revolves around China's assertion that, both

[49] Zhiguo Gao et al., 'The Nine-Dash Line in the South China Sea: History, Status, and Implications', *American Journal of International Law* 107, no. 1 (1 January 2013): 98–123, https://doi.org/10.5305/amerjintelaw.107.1.0098.

[50] Padraig Lysaght, *op. cit.*, 'The South China Sea Conflict: Ten Thousand Stones and a Nine-Dash-Line – Rethinking Maritime Space Concepts,' p. 170.

[51] Yang Lai Fong, Ramachandran Ponnan, and Antoon De Rycker, 'Different Countries, Different Perspectives: A Comparative Analysis of the South China Sea Disputes Coverage by Malaysian and Chinese Newspapers', *China Report* 56, no. 1 (February 2020): 39–59, https://doi.org/10.1177/0009445519,895,627.

[52] Michael Sheng-ti Gau, 'The Sino-Philippine Arbitration of the South China Sea Nine-Dash Line Dispute: Applying the Rule on Default of Appearance' 28, no. 1 (1 January 2014): 81–133, https://doi.org/10.1163/22116001-02801004.

historically and legally, the South China Sea has rightfully been within its sovereignty. This complex and contentious issue underscores the need for careful examination and diplomatic efforts to resolve disputes surrounding the NDL and its implications for regional maritime territories. China's assertion of the Nine-Dash Line, a claim unilaterally made and unrecognized by other nations, has placed the country in a state of isolation within the ongoing conflict surrounding the NDL. On July 12, 2016, an arbitration tribunal established under the United Nations Convention on the Law of the Sea (UNCLOS) explicitly emphasized that China's historical rights claim over maritime areas within the NDL holds no legal weight on other nations and is deemed invalid. It is noteworthy that China itself is a party to UNCLOS, having ratified its provisions on June 7, 1996. The ruling of the arbitral tribunal should function as a legally binding guideline, mediating China's maritime conflicts in the South China Sea with other nations, including Indonesia.

Nevertheless, in practice, China has rejected the decision of the arbitral tribunal. The People's Republic of China (PRC) regime maintains its stance that the NDL is a valid claim rooted in historical foundations and is crucial for the nation's national interests. Despite the legal complexities and the international rejection of China's claim, the NDL remains a contentious issue, emphasizing the need for diplomatic efforts and multilateral engagement to address maritime conflicts in the region. The significance of China's interests in the South China Sea extends beyond territorial expansion, encompassing high economic potential and a strategic position for trade routes and national security. China is driven by the need to secure its maritime territories, ensure resource sufficiency for its vast economic and industrial machinery, and safeguard sovereignty over both land and sea.

The strategic value of this pursuit is fundamental to understanding China's reluctance to step back from the Nine-Dash Line conflict it initiated. In the NDL dispute map, the North Natuna waters of Natuna, Indonesia, fall within the area claimed by the Chinese government. China's ambition to control the entire South China Sea necessitates disputes with several Southeast Asian countries, including Indonesia.

According to data released by the Natuna Fishermen's Alliance from 2019 to 2022, Chinese Coast Guard (CCG) patrol vessels have entered the waters of North Natuna. This underscores China's seriousness in asserting its NDL claim in Indonesia's territorial waters, rich in natural resources and fisheries potential.[53]

Indonesia has implemented a range of preventive and corrective measures in response to China's NDL claim. Diplomatic, political, and even military strategies have been consistently employed to underscore that North Natuna is an integral part of Indonesia.[54] Diplomatic efforts to address conflicts in North Natuna commenced with the 30th Workshop on Managing Potential Conflict in the South China Sea in October 2021. This diplomatic initiative, involving ASEAN countries, nations in conflict over the NDL, and representatives from the Chinese government, aimed to establish common

[53] Firdaus et al., *op. cit.*, 'Urgensi Resolusi Konflik Klaim Nine Dash Line Tingkok Di Perairan Natuna Utara', p. 277.
[54] Sutrimo Sumarlan et al., *op. cit.*, 'Indonesia Defence Diplomacy Strategy in Resolving China Claims to Indonesia Exclusive Economic Zone in North Natuna Sea', p. 271.

agreements and mediate conflicts and unilateral claims by the Chinese government.

Numerous similar diplomatic activities have been pursued with the goal of achieving collective agreements and mediating conflicts arising from China's unilateral claims. Regrettably, despite Indonesia's and ASEAN countries' efforts, and even the UNCLOS arbitration, China has not altered its stance on its interests in North Natuna as of 2022. With formidable economic, political, and military power, ranking as the largest in Asia and one of the strongest globally, China's influence is substantial and poses a collective threat if the NDL claim persists.

Various approaches to resolve the conflict and halt the Nine-Dash Line claim have proven ineffective. Incidents in December 2019 saw Chinese Coast Guard vessels entering North Natuna waters, encountering Indonesian Navy interceptors attempting to expel them from Indonesia's EEZ. From 2019 to 2022, Chinese fishing vessels, escorted by the Coast Guard, have increasingly approached North Natuna waters, underscoring the urgency of a legally certain resolution to prevent further escalation of conflicts and additional maritime territorial disputes. Moreover, Indonesia's active pursuit of the Global Maritime Fulcrum (GMF) concept necessitates maritime security and inclusive territorial protection efforts.

Tripartite resolution of North Natuna boundary conflict. The resolution of maritime disputes is integral to the UNCLOS 1982 framework, particularly in addressing conflicts between Indonesia and China. The primary alternative involves adhering to UNCLOS 1982 provisions, notably Article 74, which outlines crucial aspects related to overlapping EEZs.[55] This emphasizes establishing EEZ boundaries through international law, seeking a fair resolution for nations with facing or adjacent coastlines. In cases where bilateral agreements falter or lack of assurance, Chapter XV of UNCLOS on the Settlement of Disputes becomes relevant. China's unilateral disregard for UNCLOS 1982 prompts the exploration of alternative approaches for resolving the NDL conflict.

In long-term conflict resolution efforts, three strategic initiatives emerge.

Firstly, formulating a Code of Conduct entails initiating policies to establish mutually agreed-upon rules, reducing tensions, and fostering cooperation in the disputed region.[56] Secondly, reconciliation through mutual agreements involves the governments of Indonesia, Vietnam, and China. Recognizing the importance of conflict resolution in North Natuna, the three governments should convene in a reconciliation forum, renegotiating core issues and NDL claims. The objective is to seek a win-win solution that distinctly delineates Indonesian and Chinese sovereignty in the region, with a tripartite agreement to serve as a robust and binding legal source. Lastly, international law permits conflict resolution through third-party mediation. In this scenario, the sought-after outcome is an international agreement definitively asserting

[55] Agustina Merdekawati and Marsudi Triatmodjo, 'Equity Interest Scheme's Compatibility with the UNCLOS 1982's Common Heritage of Mankind Principle', *Law Reform* 18, no. 1 (31 March 2022): 111–31, https://doi.org/10.14710/lr.v18i1.43083.

[56] Farhan Muhammad Aditomo et al., 'Review of the Formulating of the Code of Conduct in South China Sea between ASEAN and the People's Republic of China', *Konfrontasi: Jurnal Kultural, Ekonomi Dan Perubahan Sosial* 9, no. 1 (31 March 2022): 119–30, https://doi.org/10.33258/konfrontasi2.v9i1.199.

sovereignty over the North Natuna region.

Examining China's reluctance to adhere to the 2013 arbitration ruling against the Philippines reveals that pursuing a resolution through the court system may not yield significant effects. Furthermore, resolution efforts should not be confined to bilateral negotiations between two nations, be it Indonesia-Vietnam, Indonesia-China, or Vietnam-China in the North Natuna region, as this might lead to unresolved ongoing issues. The opportune moment for resolution should bring together all three parties directly involved in the dispute through a tripartite agreement, whether in the form of a Code of Conduct, a resolution agreement, or an agreement involving a mediator. Tripartite resolution efforts should be expedited to prevent the escalation of problems and the involvement of naval forces in a prolonged conflict.

In the arena of international dispute resolution, such agreements often serve as a middle ground to reconcile conflicting interests among involved parties. A notable example lies in the maritime boundary dispute and resource control between Russia (then the Soviet Union) and Norway in the Barents Sea, an area rich in oil and natural gas resources. The two nations successfully navigated the conflict through the Moratorium Agreement of 1933, which prohibited exploitation activities. The final resolution materialized in the Maritime Agreement of 2010, encompassing claims and rights to exploit natural resources in the region. The agreement established a division of the maritime territory based on the equidistance line principle, a common approach in international maritime law. This principle, adopted since 2011, facilitated a fair division of the disputed area. While the contents of the agreement and the territorial division may not have entirely satisfied both Russia and Norway, the decision was accepted and respected by both parties. Consequently, the accord allowed for the utilization of the Barents Sea's resources without the looming threat of conflict, showcasing the effectiveness of diplomatic agreements in mitigating international disputes.

The resolution of maritime boundaries is exemplified in the diplomatic interactions between Australia and Timor-Leste. Following Timor-Leste's independence in 1999, the two nations signed an agreement in 2002 to prevent maritime conflicts. In 2006, they reached a temporary accord to share revenues from the submarine area known as the 'Joint Petroleum Development Area' (JPDA). However, a definitive maritime boundary delineation was yet to be established.[57] In 2016, Timor-Leste brought the disagreement over maritime boundaries with Australia to the Permanent Court of Arbitration at the United Nations. Timor-Leste sought a fair maritime boundary aligned with international maritime law. In 2018, Australia and Timor-Leste reached a milestone by concluding the 'Treaty on Certain Maritime Arrangements in the Timor Sea' (CMATS)[58]. This agreement, also known as the Joint

[57] Julio Ximenes et al., 'Cooperation between Timor Leste and Australia to Address Oil and Gas Exploration Conflicts in the Timor Gap', *The International Journal of Business and Management* 9, no. 5 (31 May 2021), https://doi.org/10.24940/theijbm/2021/v9/i5/bm2105-011.

[58] Gillian Triggs, 'Chapter 19: Creative Conflict Resolution: The Timor Sea Treaty between Australia and East Timor', in Marcia Langton, Lisa Palmer, Maureen Tehan & Kathryn Shain, Honour Among Nations?: Treaties and Agreements with Indigenous People. Melbourne University Press, 2004, p. 329, https://search.

Development Agreement, not only resolved the maritime border dispute but also regulated the distribution of natural resources in the region. The successful negotiation and implementation of such agreements underscore the efficacy of diplomatic channels in addressing complex maritime issues.[59]

Considering Indonesia's strategic interests in North Natuna, juxtaposed with the unwavering territorial claims of Vietnam and China, the initiation of a tripartite resolution process appears judicious. It is imperative for all three nations to consciously acknowledge North Natuna as a focal point of contention that warrants resolution through diplomatic negotiations. In the event that efforts towards tripartite negotiations prove futile, Indonesia should take resolute measures by seeking recourse to the International Court of Arbitration. This legal action aims to assert and reaffirm Indonesia's sovereignty over North Natuna, ensuring the safeguarding of its precious natural resources, upholding national sovereignty, and preventing external interests from exerting undue influence on Indonesia's national development endeavours.

4. Conclusion

In conclusion, the intricate maritime disputes surrounding the North Natuna Sea, involving Indonesia, Vietnam, and China, demand urgent attention and resolution. The analysis underscores the political strategies crucial for ensuring maritime resource security in the region. As each nation asserts territorial claims and navigates the complexities of Exclusive Economic Zones, the need for a tripartite conflict resolution becomes increasingly evident. The urgency stems from the intersection of national interests, highlighted by the rich energy resources in the North Natuna region. Navigating the challenges posed by conflicting territorial claims and historical disputes, the call for a Code of Conduct and mutual agreements emerges as a viable strategy. By fostering diplomatic efforts and reconciling differences through a tripartite approach, Indonesia, Vietnam, and China can establish a foundation for stability and cooperation. This not only addresses the immediate concerns of resource exploitation but also sets the stage for future collaboration in managing the maritime environment.

The urgency of a tripartite conflict resolution is further emphasized by the potential economic and geopolitical implications in the North Natuna Sea. As global maritime trade routes intersect with the contested waters, the stability of the region holds significance beyond the immediate parties involved. A resolution framework that incorporates international law and mediation can contribute to lasting peace, security, and equitable resource distribution. Ultimately, the political strategies employed in resolving these maritime conflicts will play a pivotal role in shaping the future trajectory of the North Natuna Sea and its impact on regional and global dynamics.

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informit.org/doi/10.3316/informit.837389454252404.

[59] Loong Wong et al., 'Towards Resolution of Internal Conflict in Indonesia: West Papua, East Timor and the International Order∗', *Global Change, Peace & Security* 4, no. 1 (1 May 1992): 3–31, https://doi.org/10.1080/14781159208412744.

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