

Unidentified Sea Glider at Indonesian Seas: What does it tell us?



Interview with Prof. Hasjim Djalal

Prof. Hasjim Djalal is widely known as Indonesia's foremost expert on the Law of the Sea – he also served Indonesian Ambassador to Canada (1983-1985), Germany (1990-1993) and Ambassador-at-Large for International Law of the Sea and Maritime Affairs (1994-2000). Prof. Djalal initiated the track 2 Workshop process in the early 1990's, which succeeded in getting all the South China Sea claimants to discuss their issues.



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1. In the beginning of 2021, the media was flooded with the discovery of a drone or underwater sea glider, also known as Unmanned Underwater Vehicle (UUV), that was found by fishermen in the Selayar waters of South Sulawesi. Many suspected that it belongs to and originates from China. Harsh comments also came from the DPR, politicians, and the public. How should we (Indonesia) respond to this discovery?

We must clarify the ownership of the drone, because the person that discovered the drone assumed that it belongs to China. However, the owner of the drone has yet to be confirmed. Moreover, the strange and dangerous thing is that the country with years of experience on locating underwater devices is the United States of America. American submarines and warships often pass through our seabeds.

I often say that God has warned Indonesia to pay attention to our seas and seabeds.

Now we are seeing many whales that are lost. Before, there were no strayed whales. Why? Because the navigation system of those whales is disturbed by sonars from submarines or underwater devices that transmits a signal to their post or control centre. If that is the case, such underwater device must be given attention and secured it.

How should we address this issue now:

First, Indonesia must increase the number of submarines. Second, develop the monitoring and detecting underwater device technology, observe and capture underwater devices that are found. I believe that those devices have existed before World War II. However, we did not know of its existence. Therefore, Indonesia's capability to detect underwater devices should be improved. I believe many countries have active and operating submarines between the Indian and Pacific Ocean and also operates within our waters. Those submarines will certainly report back to its headquarters. It is not only China and USA, but it could also be Australia and India.

2. The Indonesian Navy Chief of Staff, Admiral Yudo Margono explained that the drone is multifunctional for various operations, such as military operations, intelligence, or for the purpose of marine research. From the perspective of international law or UNCLOS, what is the definition of UUV or this drone?

From the maritime law perspectives, it (drone) is an unmanned submarine and the equipment (underwater device) placed within the drone are intended to help the submarine and identify passing submarines. However, the problem is that the drone and its equipment are not owned by Indonesia. That being said, how should we solve this issue? I have formulated 19 sea lane rules (Indonesia Archipelagic Sea Lanes –ALKI). These rules not only regulate the seabeds, but also the surfaces of the ocean.

3.What are the drones actually searching for at the bottom of this ocean?

In my opinion, the drone examines and investigates the seabed, for example to investigate the seabed topography because if submarines are crossing the sea lane, the submarine must be aware of the topography of the area. The signals that are generated by the drone or underwater device will be reported to secure their submarine or the signal could also be used to detect ships that are crossing above them. From the defences perspective, the drone will also be capable of detecting ships that are crossing by and who it is owned by. I suspect that within Indonesia's sea territory, there are many ships that pass by because we are in the crossroads for global power countries.

4.Is the drone or sea glider permitted to take data from the sensors that it has?

It is not allowed, without our permission. If such matter (the operation carried out by the drone) is a scientific research, then the activity must be carried out by Indonesia or give authorization to other countries. In the 19 sea lane /ALKI regulations, we have arranged for such matter, *"ships and aircraft in sea lane will not disturb or threaten the sovereignty, territorial integrity, or independence and national unity of Indonesia"* then should not do that without our permission. *"They will not carry out any action that will contravene principle of international law as emboldened in the United Nations."* For example, interfering with safety, engaging in contact in certain areas, or certain terrorist groups.

5.How does UNCLOS govern the use of these drones / sea glider? Can we treat drones as submarines that breach and enter into our waters illegally?

Yes, that (is considered as a breach in entering the Indonesian waters illegally) our sovereign rights, even it is us that guarantee the right for them to pass through (foreign ships), if it just passes by, there is no business with us, it is allowed. Those passing rights that we permitted are guaranteed as long as it does not disturb security, damage the environment, and does not take fish as it passes by.

The technical requirements to pass the waters already have their rules, and moreover, if putting underwater device that can do transmitted reports outside of the country's territories. Those foreign ships need to follow a few international rules like the UN Convention on Safety of Navigations and so on.

If the foreign ships trespass the sea lanes, they breach. I have not found out whether or not the discovery of these drones are in or out of our sea lanes.

When they trespass the sea lane, those foreign ships also cannot deploy anything there that is dangerous for the unity of Indonesia. The problem is, what do we know about what they deploy? Where is it being deployed? These things are hard for us to do, as it requires knowledge and investigation. I noted that this is something we ought to increase, which is the increase of our ability to detect underwater device in our waters.

Then (drones) for me is breaching, because they (foreign countries) did not inform Indonesia that they will pass or are placed there, especially if they go out of those sea lanes, it is clear this is unwanted.

6.As already explained by Bapak, what are your advice to the Ministry of Foreign Affairs and Defense to respond on this situation?

For this current situation, what kind of actions ought we take? If we take that device, what should we do? If that device is not dangerous, then we return it to the owner. If the device is dangerous, then take it and destroy it. However, what is an appropriate responds and measure for us? This is the most important thing, what should we do (in appropriate way). We have the right to destroy it, however in the same time, do not destroy our relationship with the country that owns that device.

How do we do that? For me, there is good for the Ministry of Foreign Affairs or the Ministry of Defence to write and send a letter to the presumed owner of the device by asking or informing "We have discovered this (drone / sea glider) in our territory, presumed that this is yours, is it true or not?" If the response is true that it is theirs, then it should be discussed on how to deal with this. If it is not true, then we will destroy it or take control.

This thing is an action that finds the way out by keep defending our country and territory. Because it is clear that according to international law on the waters of archipelagos, it is Indonesia's territory. Then, there should be no other countries that act there which are dangerous for our security. Even to pass by needs to be arranged. Then the 19 rules should be implemented, but because we are a friendly country, we should also respect the owner.

7. Talking about the future, what can you advise to our government, so that this kind of similar event does not happen again?

Increase our ability to monitor and observe the seabed. For example, we have a home that has already been fenced, however our backyard is not given a light, to the point that we cannot supervise that dark area in our garden. The deeper the sea, the more submarines pass by and the more difficult it is to identify because we cannot monitor those seabeds.

Then, this thing boils down to one thing, which is to increase our ability and capacity to heighten the ability that is needed, increase education for our Navy or Coast Guard and defence budget. The hard thing in Indonesia is that with an area that is so large, the defence budget is not too big.

8. Currently our navy has 3 fleets that were previously only 2, is the third fleet, coupled with Bakamla (Indonesian Coast Guard) not enough to monitor the contours of our sea lanes? And is increasing the number of our submarines ought to be prioritized?

It seems not. We need more experts, more technical operational knowledge about drones, that perhaps need cooperation with countries that have drones that do not operate in Indonesia.

For me, increase the number of submarines. I have often said, a country as big as Indonesia with a sea so vast, yet its submarines are less than Singapore. How can we monitor our sea that is so vast, especially its seabed. *Indonesian needs more submarine and underwater defence technology.*