



PRC Research Vessel Operating “Dark” in Indonesian Waters

Kapal riset RRT beroperasi “gelap” di perairan Indonesia

English and Bahasa Indonesian Translation

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Cleared for public release

Abstract

This document contains the original English-language version and a Bahasa Indonesian translation of CNA's case study examining a 2021 incident in which the Indonesian Maritime Security Agency intercepted a PRC research vessel for suspected unauthorized oceanographic research in the Sunda Strait in Indonesian waters with its AIS deactivated.

Abstrak

Dokumen ini berisi versi asli bahasa Inggris serta terjemahan bahasa Indonesia dari studi kasus CNA yang memeriksa insiden pada tahun 2021 di mana Badan Keamanan Maritim Indonesia mencegah kapal penelitian RRT yang diduga melakukan penelitian oseanografi tanpa izin di Selat Sunda, perairan Indonesia dengan AIS yang dinonaktifkan.

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Introduction

In recent years, persons, vessels, and corporations based in or tied to the People's Republic of China (PRC) have reportedly engaged in illicit maritime activities around the globe. The reported illicit maritime activities of PRC actors are often at odds with Beijing's rhetoric expressing support for international maritime laws (including the United Nations Convention on the Law of the Sea, or UNCLOS), rules, and norms. Unless it is addressed, this gap between Beijing's rhetoric and the behavior of PRC actors has the potential to undermine the global system of international laws, norms, and conventions that govern the maritime domain.

To examine possible contradictions between the PRC's official rhetoric and the illicit transnational maritime activities reportedly carried out by PRC-based actors, CNA examined 15 cases in which PRC actors have been accused of illegal behavior in the maritime domain between 2018 and 2021. For each case, we examined the following:

- The alleged illegal PRC activity and the types of PRC actors involved
- PRC official policies and narratives about that type of activity (e.g., illegal, unregulated, and unreported (IUU) fishing or human trafficking)
- International, local, and PRC laws, policies, and norms at risk of subversion by the alleged activity
- PRC officials' and media responses to these incidents

This document contains the original English-language version and a Bahasa Indonesian translation of CNA's case study examining a 2021 incident in which the Indonesian Maritime Security Agency intercepted a PRC research vessel for suspected unauthorized oceanographic research in the Sunda Strait in Indonesian waters with its AIS de-activated.

Pengantar

Dalam beberapa tahun terakhir, orang, kapal, dan perusahaan yang berbasis di atau terkait dengan Republik Rakyat Tiongkok (RRT) dilaporkan terlibat dalam aktivitas maritim terlarang di seluruh dunia. Aktivitas maritim terlarang yang dilaporkan mengenai pelaku RRT ini sering kali bertentangan dengan retorika Beijing yang menyatakan dukungannya terhadap hukum maritim internasional (termasuk Konvensi PBB mengenai Hukum Laut atau dikenal sebagai United Nations Convention on the Law of the Sea atau UNCLOS), peraturan, serta norma maritim internasional. Jika tidak diatasi, kesenjangan antara retorika Beijing dan perilaku pelaku RRT berpotensi merusak sistem global hukum internasional, norma, dan konvensi yang mengatur wilayah maritim internasional.

Untuk memeriksa kemungkinan kontradiksi antara retorika resmi RRT dengan aktivitas maritim transnasional terlarang yang dilaporkan dilakukan oleh pelaku berbasis RRT, CNA memeriksa 15 kasus di mana pelaku RRT tertuduh melakukan perilaku ilegal di wilayah maritim tersebut antara tahun 2018 dan 2021. Untuk tiap kasus, kami memeriksa hal berikut:

- Dugaan aktivitas ilegal dan jenis pelaku RRT yang terlibat
- Kebijakan dan narasi resmi RRT mengenai jenis aktivitas tersebut (cth. penangkapan ikan ilegal, tidak teratur, dan tidak dilaporkan (illegal, unregulated, and unreported, IUU) atau perdagangan manusia)
- Hukum internasional, setempat, dan RRT, kebijakan serta norma terancam dilanggar dugaan aktivitas tersebut
- Tanggapan pejabat dan media RRT terhadap insiden tersebut

Dokumen ini berisi versi asli bahasa Inggris serta terjemahan bahasa Indonesia dari studi kasus CNA yang memeriksa insiden pada tahun 2021 di mana Badan Keamanan Maritim Indonesia mencegah kapal penelitian RRT yang diduga melakukan penelitian oseanografi tanpa izin di Selat Sunda, perairan Indonesia dengan AIS yang dinonaktifkan.

English: PRC research vessel operating “dark” in Indonesian waters



Image: Indonesia's Maritime Security Agency (Baklama).

Indonesian authorities asserted that the PRC research vessel Xiang Yang Hong 03 (left) had been “running dark” in Indonesian waters without broadcasting its position, as required by national and international law. The PRC vessel was escorted out of Indonesian waters by local authorities.

Alleged PRC activity	What the PRC says about the activity
<p>On January 11, 2021, Indonesian news media reported that the Indonesian Maritime Security Agency had intercepted the PRC research vessel <i>Xiang Yang Hong 03</i> in the Sunda Strait for operating in Indonesian waters with its AIS de-activated. ¹ According to Indonesian and international regulations, all ships transiting Indonesia’s archipelagic sea lanes are required to have functioning AIS. ² Indonesian authorities reportedly suspected the vessel was conducting unauthorized activities in the Sunda Strait while its AIS was off.³ Media reports speculated that the PRC vessel was gathering oceanographic information to inform PRC Navy submarine operations.⁴ Indonesian law requires foreign vessels to obtain permission to conduct oceanographic research in Indonesia’s EEZ or territorial waters; Indonesia’s foreign ministry indicated that no such permissions had been given to the PRC vessel.⁵</p>	<ul style="list-style-type: none"> • The PRC embassy in Indonesia declined to comment publicly on Indonesian authorities’ January 11 interception of the PRC vessel.⁶ • PRC officials and media portray PRC vessels as abiding strictly by “the world’s most rigorous Vessel Monitoring System (VMS).” PRC media reporting conveyed this narrative in English and Indonesian.⁷ • In a possible effort to deflect scrutiny from PRC vessels’ activities, Indonesian-language PRC media reports portrayed US survey ships as “spying” in the South China Sea.⁸ • English and Indonesian-language PRC media reporting also sought to portray PRC research vessels in a positive light, highlighting their efforts to assist the Indonesian navy in the retrieval of its sunken submarine KRI <i>Nanggala</i> 402.⁹

Laws, rules, and norms at risk	
Based on these reports, the following laws and conventions may be at risk of subversion by PRC-based actors:	
International Conventions	<ul style="list-style-type: none"> • Safety of Life at Sea (SOLAS) Regulation V/19 paragraph 22¹⁰ • UNCLOS, Part V¹¹
Indonesian Laws	<ul style="list-style-type: none"> • Government Regulation No. 37 of 28 June 2002, Article 7¹² • Act No. 6 of 1996 regarding Indonesian Waters, Transit Crossing Rights¹³
PRC Laws, Policy¹⁴	<ul style="list-style-type: none"> • China is a ratified signatory of the International Maritime Organization (IMO) Convention for SOLAS, which requires active AIS on non-military vessels of 300 gross tonnage (GT) and above.¹⁵

Bahasa Indonesian: Kapal riset RRT beroperasi “gelap” di perairan Indonesia



Gambar: Badan Keamanan Laut Indonesia (Bakamla).

Pihak berwenang Indonesia menegaskan bahwa kapal riset RRT Xiang Yang Hong 03 (kiri) telah “beroperasi gelap” di perairan Indonesia tanpa menyiarkan posisinya, sebagaimana diwajibkan hukum nasional dan internasional. Kapal RRT tersebut dikawal keluar dari perairan Indonesia oleh pihak berwenang setempat.

Dugaan aktivitas RRT

Pada 11 Januari, 2021, media berita Indonesia melaporkan bahwa Badan Keamanan Laut Indonesia telah mencegat kapal riset RRT *Xiang Yang Hong 03* di Selat Sunda karena beroperasi di perairan Indonesia dengan AIS yang dinonaktifkan.¹ Menurut peraturan Indonesia dan internasional, semua kapal yang melewati alur laut kepulauan Indonesia wajib memiliki AIS yang berfungsi.² Pihak berwenang Indonesia dilaporkan mencurigai kapal tersebut tengah melakukan aktivitas yang tidak diizinkan di Selat Sunda saat AIS dimatikan.³ Laporan media berspekulasi bahwa kapal RRT tersebut tengah mengumpulkan informasi oseanografik guna memasok informasi pada operasi kapal selam Angkatan Laut RRT.⁴ Hukum Indonesia mewajibkan kapal asing mendapatkan izin untuk melakukan riset oseanografi di ZEE atau perairan teritorial Indonesia; kementerian luar negeri Indonesia mengindikasikan bahwa izin tersebut belum diberikan kepada kapal RRT.⁵

Pernyataan RRT mengenai aktivitas tersebut

- Kedutaan RRT di Indonesia menolak berkomentar secara terbuka mengenai pencegahan dari pihak berwenang Indonesia terhadap kapal RRT pada tanggal 11 Januari.⁶
- Pejabat dan media RRT menggambarkan bahwa kapal-kapal RRT ketat mematuhi “Sistem Pemantauan Kapal (Vessel Monitoring System, VMS) paling ketat sedunia.” Pemberitaan media RRT menyampaikan narasi ini dalam bahasa Inggris dan Indonesia.⁷
- Dalam upaya yang mungkin bertujuan untuk mengalihkan perhatian dari aktivitas kapal-kapal RRT, laporan media RRT berbahasa Indonesia menggambarkan kapal survei AS sebagai “mata-mata” di Laut Tiongkok Selatan.⁸
- Pemberitaan media RRT berbahasa Inggris dan Indonesia juga berusaha menggambarkan kapal-kapal riset RRT secara positif, menyoroti upayanya untuk membantu angkatan laut Indonesia dalam pengambilan kapal selam KRI *Nanggala 402* yang karam.⁹

Hukum, peraturan, dan norma-norma yang terancam

Berdasarkan laporan-laporan ini, hukum dan konvensi berikut mungkin berisiko dilanggar oleh aktor-aktor dari RRT:

Konvensi Internasional

- Peraturan Keselamatan Jiwa di Laut (Safety of Life at Seam, SOLAS) V/19 paragraf 22¹⁰
- UNCLOS, Bagian V¹¹

Hukum Indonesia

- Peraturan Pemerintah No. 37 tanggal 28 Juni 2002, Artikel 7¹²
- Undang-undang No. 6 tahun 1996 tentang Perairan Indonesia, Hak Lintas Transit¹³

Kebijakan Hukum RRT¹⁴

- Tiongkok adalah penandatangan sah Konvensi Organisasi Maritim Internasional (International Maritime Organization, IMO) untuk SOLAS, yang mewajibkan AIS aktif pada kapal nonmiliter dengan berat 300 tonase kotor (GT) ke atas.¹⁵

Endnotes

¹ See: Dian Septiari and Novan Iman Santosa, “Bakamla Intercepts Chinese Research Vessel in Sunda Strait,” *The Jakarta Post*, Jan. 17, 2021, <https://www.thejakartapost.com/news/2021/01/16/bakamla-intercepts-chinese-research-vessel-in-sunda-strait.html>; Achmad Nasrudin Yahya, “Bakamla Suspects Chinese Survey Vessel Operates Underwater Sensors in Indonesian Waters,” *Bakamla Curiga Kapal Survei China Operasikan Sensor Bawah Air di Perairan Indonesia*, *Nasional Kompas*, Nasional Kompas, Feb. 2, 2021, <https://nasional.kompas.com/read/2021/02/02/12144011/bakamla-curiga-kapal-survei-china-operasikan-sensor-bawah-air-di-perairan?page=all>; Valerie Mai, “The Indonesian Patrol Vessel Blocked the Chinese Research Vessel in Sunda Strait,” *Vietnam Times*, Jan. 20, 2021, <https://vietnamtimes.org.vn/the-indonesian-patrol-vessel-blocked-the-chinese-research-vessel-in-sunda-strait-27492.html>; Gloria Methri, “Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops,” *Republic World*, Jan. 17, 2021, <https://www.republicworld.com/world-news/china/chinese-research-vessel-intercepted-in-indonesian-waters-hints-at-underwater-ops.html>.

² “Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops.”; *Regulations for Carriage of AIS*, UN International Maritime Organization, (Dec. 31, 2004), accessed Sept. 20, 2021, <https://www.imo.org/en/OurWork/Safety/Pages/AIS.aspx>; *Indonesian Government Regulation No. 37 on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage Through Designated Archipelagic Sea Lanes, 28 June 2002*, National legislation - DOALOS/OLA - United Nations - INDONESIA, (June 28, 2020), accessed Sept. 20, 2021,

https://www.un.org/Depts/los/doalos_publications/LOSBulletins/bulletinpdf/bulletin52e.pdf; “Chinese Research Vessel Intercepted in Indonesian Waters; Hints at Underwater Ops.”

³ Agustinus Beo Da Costa, “Indonesia Says Spots Chinese Research Vessel in Its Waters, Tracker Off,” *Reuters*, Jan. 14, 2021, <https://www.reuters.com/article/us-indonesia-maritime-china/indonesia-says-spots-chinese-research-vessel-in-its-waters-tracker-off-idUSKBN29J11M>; Yahya, “Bakamla Suspects Chinese Survey Vessel Operates Underwater Sensors in Indonesian Waters.”

⁴ H I Sutton, “Chinese Survey Ship Caught ‘Running Dark’ Give Clues to Underwater Drone Operations,” *USNI News*, Jan. 16, 2021, <https://news.usni.org/2021/01/16/chinese-survey-ship-caught-running-dark-give-clues-to-underwater-drone-operations>; H I Sutton, “Two Chinese Survey Ships Are Probing a Strategic Section of the Indian Ocean,” *USNI News*, Mar. 23, 2021, <https://news.usni.org/2021/03/23/two-chinese-survey-ships-are-probing-a-strategic-section-of-the-indian-ocean>; H I Sutton, “Chinese Ships Seen Mapping Strategic Seabed in Indian Ocean,” *Naval News*, Jan. 22, 2021, <https://www.navalnews.com/naval-news/2021/01/how-china-is-mapping-the-seabed-of-the-indian-ocean/>.

⁵ See: *Indonesian Government Regulation No. 37 on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage Through Designated Archipelagic Sea Lanes, 28 June 2002*, June 28, 2020; *Act No. 6 of 8 August 1996 regarding Indonesian Waters, Third Part, Transit Crossing Rights, Article 20*, National legislation - DOALOS/OLA - United Nations - INDONESIA, (Aug. 8, 1996), accessed Sept. 20, 2021,

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⁷ See, for example, “Chinese Ministry of Foreign Affairs Denies Pompeo’s ‘Worried and Concerned’ Statement on Chinese Fishing Vessel Operations on the High Seas,” *Kemlu Tiongkok Bantah*

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⁹ See, for example, "Chinese Navy Assists in Appointment of KRI Nanggala-402, China-Indonesia Military Cooperation to a New Level," AL Tiongkok Bantu Pengangkatan KRI Nanggala-402, Kerja Sama Militer Tiongkok-Indonesia Ke Level Baru, Indonesian CRI, May 4, 2021, <http://indonesian.cri.cn/20210504/3a4cc4a6-ebb9-5b5d-cf07-d0e1166d36d9.html>; "Indonesia Ends KRI Nanggala 402 Submarine Lifting Operation," Indonesia Akhiri Operasi Pengangkatan Kapal Selam KRI Nanggala 402, Indonesian CRI, June 3, 2021, <http://indonesian.cri.cn/20210603/d326421e-f138-8ee8-906b-999eb8f8e624.html>; "Chinese navy helps lift sunken Indonesian submarine's life raft," CGTN, May 19, 2021, <https://news.cgtn.com/news/2021-05-19/Chinese-navy-helps-lift-sunken-Indonesian-submarine-s-life-raft--10oaQAUCgOk/index.html>; "Sunken Indonesian submarine's life raft lifted with assistance of Chinese navy," Xinhua, May 18, 2021, http://www.xinhuanet.com/english/asiapacific/2021-05/18/c_139954065.htm; "Chinese military sends vessels to assist Indonesia over sunken navy submarine," CGTN, Mar. 19, 2021, <https://news.cgtn.com/news/2021-04-30/China-sends-vessels-to-assist-Indonesia-over-sunken-navy-submarine-ZT8r8Y3fi0/index.html>.

¹⁰ IMO Convention for the Safety Of Life At Sea (SOLAS) Regulation V/19.2.4 requires all vessels of 300 GT and above to carry active AIS. *International Convention for the Safety of Life at Sea (SOLAS)*, 1974, International Maritime Organization, (1974), accessed Sept. 21, 2021, [https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\)-1974.aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS)-1974.aspx). *Regulations for Carriage of AIS*, Dec. 31, 2004.

¹¹ UNCLOS provisions governing the exploration for resources and scientific surveys within the EEZ of a coastal state, see: *United Nations Convention on Law of the Sea Part V Exclusive Economic Zone* (1982), https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm.

¹² Regulations on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage, see: *Indonesian Government Regulation No. 37 on the Rights and Obligations of Foreign Ships and Aircraft Exercising the Right of Archipelagic Sea Lane Passage Through Designated Archipelagic Sea Lanes*, 28 June 2002, June 28, 2020.

¹³ *Act No. 6 of 8 August 1996 regarding Indonesian Waters, Third Part, Transit Crossing Rights, Article 20*, Aug. 8, 1996.

¹⁴ Including laws, policies, regulations, and proposed regulations that prohibit the alleged activity within the PRC territorial waters and EEZ.

¹⁵ *International Convention for the Safety of Life at Sea, 1974; China ratified May 25, 1980*, Secretary-General of the Intergovernmental Maritime Consultative Organization, (Jan. 11, 1974), accessed Sept. 21, 2021, <https://treaties.un.org/pages/showDetails.aspx?objid=08000002800ec37f>. Additionally, the 2020 PRC White Paper on China's Offshore Fisheries Contract Performance notes that "All ocean-going fishing vessels must install and normally turn on the Vessel Position Monitoring System (VMS), and automatically report the position once an hour," see: *White Paper on Compliance of China's Distant-Water Fishing (中国远洋渔业履约白皮书)*, Ministry of Agriculture and Rural Affairs, (Nov. 2020), accessed July 2021,

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