

Indonesia's Achievement on Tokyo MoU's White List and Vision of Global Maritime Fulcrum

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Abstract:- Indonesia is part of the Tokyo MoU and for the first time in history, managed to get the Tokyo MoU white list in 2021. Indonesia's steps to improve the performance of Indonesian-flagged ships and get the Tokyo MoU white list have been seen in the past 3 years. Therefore, there is a view that Indonesia's success in implementing the Tokyo MoU rules through increased supervision and inspection on Indonesian-flagged ships that will sail abroad reflects Indonesia's performance in realizing the vision of the Global Maritime Fulcrum (GMF) which has been designed since 2014. Researchers are interested in proving that there is a link between Indonesia's inclusion on Tokyo MoU's white list and a reflection of Indonesia's vision as a GMF. This research uses a descriptive qualitative research design, and the data was collected through library research and depth interviews. The results shows that the position of Indonesia in International Maritime Community more became powerful, because Indonesia is being able to ensure the standards of international convention, and this becomes an advantage and stigmatizes or weakens the competitiveness of Indonesian ports. This position also shown that there is a relation between Indonesian performance on Tokyo MoU's white list with Indonesia's vision as a GMF.

Keywords:- *Global Maritime Fulcrum, Tokyo MoU's white list, Flag state performances.*

I. INTRODUCTION

Since 2014, the President of Republic of Indonesia Joko Widodo is trying to re-echo the Jalesveva Jayamahe (Our Glory is at Sea) motto by proposing the Global Maritime Fulcrum vision. Global Maritime Fulcrum (GMF) introduced regionally and globally at the 2014 East Asian Summit (EAS) in Naypydaw, Myanmar. GMF had also been written in the Indonesian Maritime Policy which places Indonesia's maritime vision by siting Indonesia as a maritime country that is sovereign, advanced, independent, and strong, and is able to contribute to regional and global peace in accordance with national interests. The goals of this vision was rebuild Indonesia's maritime culture, protect and manage the marine resources, developing the maritime infrastructure, managing and build the maritime defense, and through maritime diplomacy invites Indonesian partners to cooperate in the maritime sector and eliminate conflicts at sea such as illegal fishing, smuggling, piracy and territorial disputes In depth [1].

The vision of being GMF must be shown in every step that Indonesia's takes in International Maritime

Community. This vision will be not relevant if Indonesia's as a largest archipelago country in the world had some issue in managing the performances of Indonesian-flagged vessels. The performance of Indonesian-flagged vessels was included in the Tokyo MoU black list from 1993 to 2018, then became in the gray list category in 2019 and become part of the white list category in 2021 [2]. The concept of GMF as Indonesia's maritime strategy is a continuation of past ideas and at the same time as a strategic effort to maximize all of Indonesia's potential. This idea originated from the "Juanda Declaration" on December 13, 1957. After nearly 25 years of persistent struggle in international forums, it was only on December 10, 1982 that UNCLOS (Nation Convention on the Law of the Sea) recognized and even adopted the concept as The Archipelagic Nation.

As a commitment of Indonesia to achieve GMF, in 2016 Indonesia's focus of improving the performances of Indonesian-flagged vessels in Asia-Pacific region under Tokyo MoU. Indonesia being a part of Tokyo MoU since 1993. Since Joko Widodo's Presidency, the Coordinating Ministry for Maritime and Investment Affairs has begun to carry out its role as an intrinsic role of the Coordinating Ministry as a coordinating ministry. Presidential Regulation of the Republic of Indonesia Number 92 of 2019 about the Coordinating Ministry for Maritime Affairs and Investments explains that the Coordinating Ministry for Maritime Affairs and Investments is in charge of coordinating, synchronizing, and controlling Ministry affairs in the administration of government in the maritime and investment sector, including overseeing performance and providing recommendations to relevant ministries.

One of the ministries under the coordinating Ministry for Maritime and Investment Affairs is the Ministry of Transportation. The Coordinating Ministry for Maritime and Investment Affairs coordinates policies, implements policies and evaluates policies that have been implemented. Coordinating Ministry for Maritime and Investment Affairs also plays a role in convey the president's wishes in a ministry. At the beginning of the presidency, one of the president's wishes was the realization of the GMF. President Joko Widodo made some pillars of the realization of GMF, in terms of connectivity, the main focus is marine infrastructure. The implementation of this pillar is one of the things that the Coordinating Ministry for Maritime and Investment Affairs wants to ensure. This study is focused on examining and analyzing the reflection of Indonesia's vision as a Global Maritime Fulcrum and Indonesia's status as a white list Tokyo MoU. The results of this analysis are

expected to be input or suggestions to the Indonesian government and add insight to the readers.

II. METHODS

This study uses a descriptive qualitative research design. Qualitative research is research that produces descriptive data in the form of written or spoken words from individuals/groups and observed behavior [3].

The data sources used consisted of primary data sources obtained by conducting online interviews with representatives from Directorate General of Legal Affairs and International Treaties, Ministry of Foreign Affairs Republic of Indonesia, The Coordinating Ministry for Maritime and Investment Affairs Republic of Indonesia and Indonesian Classification Bureau. Then the secondary data sources consist of journals, books, media, and official websites. So, the research process is carried out by collecting data, analyzing data, and making research reports. Data analysis is presented in the form of descriptive analysis, tables or graphs, and pictures. Based on these results, conclusions can be drawn based on the interpretation of the data that has been analyzed.

III. RESEARCH OUTCOME AND DISCUSSION

Since the beginning of the Joko Widodo's presidency, Joko Widodo and the Coordinating Ministry for Maritime and Investment Affairs starts to rebuild the world's perception of Indonesia as a nation that has a rich maritime history. The commitment of the Joko Widodo administration is to place the sea as the future of this maritime state. Then, Indonesia should have grown and developed like any other maritime countries. At the East Asia Summit in Naypyitaw, Myanmar, on 13 November 2015, President Joko Widodo put across the international community Indonesia's vision for a Global Maritime Fulcrum. The vision is sustained by five pillars, namely [4]:

- Rebuilding the nation's maritime culture;
- The commitment to safeguard and manage marine resources that focuses on controlling the production of sea-based food through the development of the fishing industry by disposing fishermen as the main pillar;
- The commitment to encourage infrastructure development and maritime connectivity by building sea tolls, deep sea ports, logistics and the shipping industry as well as marine tourism;
- Maritime diplomacy which invites all Indonesian partners to work together in the maritime sector; and
- Building a maritime defense force.

Based on author interview with Okto Irianto, a Marine Law Expert Staff of The Coordinating Ministry for Maritime and Investment Affairs, he said that the Coordinating Ministry for Maritime and Investment Affairs begun to discuss the performance of Indonesian-flagged vessels with the Ministry of Transportation. Because Coordinating Ministry for Maritime and Investment Affairs finds that here are three components that must be

improved in realizing Indonesia's maritime power. These 3 things are means of transport (ships), ports and goods. As a part of Tokyo MoU's member, Indonesia have to perform the focus of the Tokyo MoU that is on carriers (ships). Being on the Tokyo MoU's black list make the international community views that Indonesia is unable to enforce and control the performance of Indonesian-flagged vessels properly. Then it will contradict with the vision of Indonesia to become a GMF (interviewed was held on November 30, 2021).

Based on the Tokyo MoU annual report, it is shown that Indonesian-flagged vessels are considered unsafe both at home and abroad. When shortcomings in ships that may undermine safety or cause maritime environmental damage are identified, the port states can detain the ship until the weaknesses are rectified to ensure safety and mitigate pollution risks. To minimize the detention of ships, each country is responsible for implementing and enforcing international shipping safety standards to create shipping safety and prevent pollution caused by shipping activities [5]. On 1948, the United Nations (UN) initiated to make a special agency in developing shipping-related safety standards known as the International Maritime Organization (IMO).

IMO's objective is All ships, including, where applicable, relevant construction material and equipment/ installations, and onboard safety management system and security measures, shall be surveyed/ verified by officers of the flag State Administrations or the recognized organizations (ROs)/ recognized security organizations (RSOs)/ nominated surveyors, authorized to carry out surveys/verifications and issue relevant certificates on behalf of flag State Administrations, so that relevant certificates under applicable IMO instruments can be issued to establish that the ships are designed, constructed, maintained and managed in compliance with the requirements of IMO Conventions, Codes and other instruments [6]. Inspection and survey activities are carried out to implement international shipping standards aimed at improving the flag states performance and being recognized as a low-risk vessels. Parties that play a role in enforcing security, safety and protection of the marine environment are the flag state of the ship, countries that have ports as berths or departures and coastal countries whose territories are passed by ships (Syafiuddin, 2016). These obligations and responsibilities are generally stated in the IMO Instrument Implementation Code (Code III).

Many IMO conventions contain provisions for Governments to inspect foreign ships that visit their ports to ensure that they meet IMO standards contained in instruments to which the port State is a Party, taking into account the concept of no-more favourable treatment. If they do not, they can be delayed or detained until repairs are carried out and be subject to targeting. Inspection of foreign vessels at national ports to verify that the condition of the vessel and its equipment meets international regulatory requirements, and that the vessel is manned and operated in

accordance with IMO rules is referred to as Port State Control (PSC) [7].

For ships travelling to different countries in the same region, a regional coordinated inspection that focuses on substandard ships and avoids multiple inspections can be more efficient and cost effective to member States, as well as providing a level playing field to ports of the region. The harmonization of PSC inspections aims at ensuring that as many substandard ships as possible are inspected and at preventing ships from being subjected to multiple inspections. The primary responsibility for ensuring ships' standards rests with the flag States [6]. Coordination of this inspection is carried out to ensure that inspections of ships are not carried out repeatedly and can minimize the form of shipping delays due to unnecessary inspections. Coordination or cooperation related to PSC is based on IMO Resolution A.682(17) on Regional Co-Operation in the Control of Ships and Discharges. To improve maritime safety, pollution prevention, and living and working conditions on board ships, ten MoUs on PSCs have been established and signed by member states. The Regional PSC in the Asia Pacific region known as the Tokyo MoU. Most of the Indonesian-flagged ships are detained in countries in the Asia Pacific Region, this is what causes the name Indonesia to appear on the list of country performances issued by the Tokyo MoU.

Based on the interview between the author and Blandina Pella as a Diplomat from Directorate General of Legal Affairs and International Treaties, Ministry of Foreign Affairs Republic of Indonesia, she said that there are a lot of advantages that Indonesia can get through the Tokyo MoU's white list status that Indonesia's owned right now for the future Indonesia. Through Tokyo MoU's white list status that Indonesia get last year, shows that there is improvement of the performance of Indonesian-flagged vessels. It is also shown that Indonesia is able to ensure safe navigation through ships sailing under its flag. When Indonesia gets recognition from the other countries, Indonesia begins to build trust from the International Maritime Community because Indonesia is being able to ensure the standards of international convention and this becomes an advantage and stigmatizes or weakens the competitiveness of Indonesian ports (interviewed was held on December 2, 2021).

The Tokyo MoU's white list that obtained by Indonesia indicates that the regional cooperation states that Indonesia has been really serious in implementing maritime regulatory arrangements in Indonesia. So, through Indonesia's journey in the past 3 years, from black, gray to white list, the Tokyo MoU shows Indonesia's has a real efforts in improving the performance of Indonesian-flagged vessels. Another advantage obtained by Indonesia through the Tokyo MoU's white list is that the results of PSC inspections under the authority of the Tokyo MoU are internationally recognized because it is encouraged by IMO that aspects of safety at sea, protection of the maritime environment, working conditions and initial life of ships are ensured through strict inspections.

Being a Tokyo MoU's white list also indicates that the condition of the ship is getting better so that it is proportional to the reduced logistics costs incurred by the ship. When the condition and quality of the ship is getting better, the inspection process is getting better, the quality of port control is getting better and the seafarers are getting better, the trust of service users in using Indonesian-flagged commercial vessels is increasing. This is because the possibility of detention of Indonesian-flagged merchant ships when carrying goods abroad will decrease. Before Indonesia became a white list, service users doubted the safety of their goods when carried by Indonesian-flagged ships. These things illustrate the efforts made by Indonesia as the largest archipelagic country in the world in its efforts to become a white list.

Indonesia's diplomatic efforts from the black list to the white list of the Tokyo MoU provide evidence that there are serious efforts from Indonesia in improving the performance of its ships and this maritime diplomacy effort makes Indonesia one of the countries that can provide best case practice. So that Indonesia can become a reference for countries in maintaining the quality of handling shipping safety and security. When Indonesia has succeeded in becoming a white list and is able to maintain it, then Indonesia's efforts in dealing with detentions that occur can be an example for other countries and make Indonesia help increase the capacity of countries that are in the Black list category to carry out handling of detention which can ultimately help reduce the number of countries that are on the black list category. Indonesia's efforts in obtaining and maintaining the white list are a real contribution for Indonesia as the largest archipelagic country in ensuring maritime security in the region which will have an impact on a global scale. Because it is undeniable that international shipping lanes in Asia Pacific are busy shipping lanes.

Blandina said that the trust of service users or other countries in using Indonesian-flagged vessels can be seen through the use of flagged vessels sailing abroad. Through statistical data, it can be seen which ships from which countries are most often used to carry out export-import activities in Indonesia, so that more and more Indonesian-flagged vessels are sailing, this shows an increase in the trust of service users on the performance of Indonesian-flagged vessels. The Annual Report issued by the Tokyo MoU is not used for blackmailing, because regional cooperation is an initiative from countries to implement IMO rules and is tasked with providing input for countries in controlling the performance of their flagged ships. Indonesia's joining in the Tokyo MoU shows that Indonesia realizes it is important to make joint efforts in implementing maritime safety and security. Because if there is no joint effort, the shipping situation will not go well.

The President Director of The Indonesian Classification Bureau, Rudiyanto said that the Tokyo MoU's white list will have an impact on a country. When a country is in the black list category, the other country or users did not put their trust of using using Indonesian-flagged vessels for the international community to transport

goods. So that ships originating from countries in the black list category are not widely used to transport all commodities abroad. If this happens, it will have an impact on the mode of transportation that will be controlled by foreign parties. In addition, it will have an impact on maritime security because it is considered unable to manage its fleet properly. Even though Indonesia is the 6th country that has the largest number of fleets in the world. If, as a country that has the number 6 largest fleet in the world, it cannot improve its compliance with the fulfillment of international shipping standards, then Indonesia is considered to have no efforts to meet these international shipping standards. Then, the performance of Indonesian-flagged ships is considered not in line with the vision of the World Maritime Axis because Indonesia does not meet the criteria or parameters of a maritime country, namely having an internationally recognized fleet in the form of recognition from other countries, one of which is the Tokyo MoU white list. Pollution and safety are only the micro side of non-fulfillment of international shipping standards. Another impact of not meeting international shipping standards is that ships are not safe in carrying goods, logistics costs increase, etc (interviewed was held on November 1, 2021).

So, the inclusion of Indonesia as part of the Tokyo MoU's white list country shows that Indonesia has consistently made improvements to the performance of Indonesian-flagged vessels and has actually implemented all shipping safety and security standards in accordance with the Tokyo MoU provisions. Improving the performance of Indonesian-flagged vessels is a turning point for shipping companies and ship owners in increasing the use of Indonesian-flagged vessels in export and import activities. It is also shows that Indonesia has really shown its efforts in proving and realizing the vision of the Global Maritime Fulcrum which has been started since 2014. Being a white list of the Tokyo MoU makes Indonesia's competitive position better internationally and makes Indonesia's actions are relevant to Indonesia's vision as the World Maritime Axis. Through the Tokyo MoU white list, the international community can see the reflection of the Global Maritime Fulcrum that has been declared by Indonesia.

IV. CONCLUSION

Indonesia's move to improve the performances of Indonesian-flagged vessels and being a Tokyo MoU's white list is relevant with the vision of Indonesian to be a Global Maritime Fulcrum (GMF). Indonesia have a great position in the International Maritime Community because Indonesia is being able to ensure the standards of international convention, and this becomes an advantage and stigmatizes or weakens the competitiveness of Indonesian ports. In order to boosted the position of Indonesia in the International Maritime Community, Indonesia need to maintain the Indonesian-flagged vessels on a good performances and comply with the Tokyo MoU regulation. Being on a Tokyo MoU's white list is also a good chance for Indonesia to have an international Classification that recognized under the International Association of Classification Societies. When Indonesia had an

international classification, the foreign ships can registered their ship in Indonesia.

To conclude this study, the position of Indonesia in International Maritime Community are more powerful. It is also supported the position of Indonesia in International Maritime Organization (IMO). Indonesia was re-elected as a member of the Council of the International Maritime Organization (IMO) Category C for the 2020-2021 period at the IMO Assembly on 29 November 2019 in London, England. At the same time, Indonesia has also been elected as the IMO External Auditor, defeating Britain and Italy. All achievements that have been achieved by Indonesia have reflected that Indonesia really has a strong position as a maritime nation in the world and has the potential to become a Global Maritime Fulcrum (GMF).

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