

## *Main Articles*

# **Diplomatic and Consular Protection for Indonesian Nationals Abroad in Time of Emergency**

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## **Abstract**

The Issuance of the Ministry of Foreign Affairs Regulation No. 5 of 2018 regarding the Protection of Indonesian National Abroad (MOFA Regulation) has increased legitimate expectations for conditions during times of emergency. The MOFA Regulation regulates essential actions that shall be taken during times of emergency. Firstly, the Regulation authorises contingency plans, elaborating the scope, actors, and authority to ensure clarity and credibility of implementation. Secondly, the Regulation mandates several actors, such as diplomats, consular agents, and other respective counterparts, such as the Ministry of Defence and Ministry of Internal Affairs. Lastly, the Regulation also provides resources essential to the operation's conduct, such as the host country's consent and financial support. However, the Regulation also has several issues, such as clarity on the modes of intervention and availability in addition to accessibility during an emergency that hinders the implementation. Using the legal positivism paradigm, this article aims to identify issues of implementation of the MOFA Regulation and provide answers and remedies to the existing problems. This research shall critically examine the 1960 Vienna Convention on Diplomatic Relations and the practices of UN Peacekeeping Missions in addition to relevant national instruments such as the 1945 Constitution of Indonesia and Law No. 37 of 1999 regarding International Relations. Lastly, this research desires to ensure the effectiveness of implementation to ensure the protection of Indonesian nationals abroad and better safety for Indonesian representatives during times of emergency.

**Keywords:** Protection, diplomatic and consular relations, emergency situation and MOFA Regulation

## I. INTRODUCTION

The plurality and diversity of the international society alters diplomacy and international relations. There has been exponential growth in the number of civil society actors and the volume of transnational networks in which they are embedded.<sup>1</sup> They bridge the disconnection between a state's political geography on the one side and the new geography of economic and social relations on the other.<sup>2</sup>

Hans Morgenthau defines diplomacy as the art of bringing different elements of national power to bear maximum effects upon those points in an international situation. Diplomacy is mainly concerned with national interests because emerging transnational challenges in many areas can only be dealt with through collective actions and national societies' growing interpenetration and interdependence.<sup>3</sup> Consequently, such interests and challenges affect the nature of public diplomacy when people no longer digest propaganda-style messages easily as information is being filtered before believing in it as lots of information. Factually, international affairs are much more complex since states are no longer the only actors in the international realm.<sup>4</sup> In addition to the facts above, tensions arise internally as well as externally within a country due to

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<sup>1</sup>Rudine Emrich, David Schulze, "Diplomacy in the 21st Century: What Needs to Change?" (Paper presented for the main findings of SWP's "Diplomacy on the 21<sup>st</sup> Century" project, German Institute for International and Security Affairs, 2017) 6-9; Christian Reus-Smith, *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations* (Princeton, NJ: Princeton University Press, 1999).

<sup>2</sup>Brian Hocking, "Rethinking 'New' Public Diplomacy," in *The New Public Diplomacy: Soft Power in International Relations*, ed. Jan Melissen (Palgrave Macmillan, 2005), 28; Shirley V. Scott, "International Law as An Ideology: Theorising the Relationship Between International Law and International Relations," *European Journal of International Law* 5 no. 3 (1994): 311-316; Gearoid Tuathail, Simon Dalby and Paul Routledge, *The Geopolitics Reader* (Routledge, London and New York, 2007), 263.

<sup>3</sup>Hans Morgenthau, *Politics Among Nations: Struggle for Power and Peace*, (New York: McGraw Hill Education, 2005), 4-6; Paul F. Diehl, *The Politics of Global Governance, International Organizations in An Interdependent World* (Colorado: Lynne Rienner Publishers, 2005), 9-11; Jeremy Mathan Farral, *The United Nations Sanctions and the Rule of Law* (Cambridge: Cambridge University Press, 2007).

<sup>4</sup>The United Nations Secretary-General Report, A/59/2005/, "In Larger Freedom: Toward Development, Security and Human Rights for All" (Report of the Secretary-General, 2005); Rick Lawson, "Out of Control, State Responsibility and Human Rights: Will the ILC's Definitions of the Act of State Meet the Challenges of the 21st Century?," in *The Role of Nations State in the 21st Century, Human Rights, International Organizations and Foreign Policies, Essay in Honor of Peter Baehr* ed. Castermans, Van Hoof and Smith, (Boston: Kluwer Law International, 1999) 91; Hiro Katsumata, *ASEAN's Cooperative Security Enterprise, Norms and Interests in the ASEAN Regional Forum* (London: Palgrave Macmillan, 2009).

different practices of religions, cultures, and regions. It then adds complexities of bilateral and multilateral relations that may have been established through mutual recognition and consent.<sup>5</sup>

Consequently, the present situation reshapes new developments in public diplomacy carried out by official representatives of diplomatic and consular relations. The two relations differ, with the former defined as a matter of political conduct between the government of the sending state and the receiving state and the latter as a relation concerning the interest of citizens and companies between the government of the sending state and the receiving state.<sup>6</sup> Additionally, the development of public diplomacy may also be carried out by international organisations, such as the United Nations.<sup>7</sup> This development includes: (1). the changing nature of diplomatic representation; (2). the increasing importance of consular affairs and its impact on the reputation of the Ministry of Foreign Affairs; (3). international activism by sub-state governments; and (4). engagement of governments in a dialogue with foreign civil societies and a consequent focus on utilising public diplomacy.<sup>8</sup> The Vienna Convention on Diplomatic Relations vaguely defines representation by diplomats in articles 1(b), (c), and (d) as members of the staff of the mission who possess a diplomatic rank. Article the functions of the diplomats in the mission are listed in Article 3. It determines functions of representing the sending state in the receiving state; protecting in the receiving state the interests of the sending state and of its nationals within limits permitted by international law; negotiating with the government of the receiving state; ascertaining by all lawful means conditions and developments in the receiving state, and reporting thereon to the government for the sending

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<sup>5</sup>Maria Manojlovic and Celia Helen Thorheim, *Crossroads of Diplomacy: New Challenges, New Solutions* (Clingendael: Netherlands Institute of International Relations, 2007) 16; Krista E. Wiegand, *Enduring Territorial Disputes: Strategies of Bargaining, Coercive Diplomacy, and Settlement* (Athens: University of Georgia Press, 2011).

<sup>6</sup>Milan Jazbed, "The Vienna Convention on Diplomatic and on Consular Relations: A Philosophy of the Preambles," *International Scientific Journal of European Perspectives* 11, no. 1 (2020): 121.

<sup>7</sup>National Academy Press, *Knowledge and Diplomacy: Science Advice in the United Nations System* (Washington, DC: National Academies Press, 2002); Gerry J. Simpson, "The Situation on the International Legal Theory Front: The Power of Rules and the Rules of Power," *The European Journal of International Law* 11, no. 2, (2000): 456; Jan Klabbers, *An Introduction to International Institutional Law*, (Cambridge: Cambridge University Press, 2002), 1-4; Christopher Joyner, *The United Nations and International Law*, (Cambridge: Cambridge University Press, 1997), 9-11.

<sup>8</sup>Hazel Smith, "Institutionalising European Union Foreign Policy," in *European Union Foreign Policy: What It Is and What It Does* ed. Hazel Smith (London: Pluto Press, 2002), 102.

state; and promoting friendly relations between the sending state and the receiving state, and developing their economic, cultural and scientific relations.<sup>9</sup>

In this regard, the protection of a state has been assumed to be the most crucial function of diplomacy when it comes to interpreting a broad range of protection of their national interests and resilience in bilateral and multilateral relations.<sup>10</sup> In order to achieve the objectives above, gathering information and subsequent identification and evaluation of the receiving state's foreign policies into dynamic situations, information is sent back to their native countries as an official report as standardised practices in European Union countries.<sup>11</sup> Then, this report will analyse preventive and anticipatory measures to be taken promptly and adequately.<sup>12</sup> For example, within the Indonesian context and perspective, diplomacy is aimed at facilitating or enforcing vehicles for observing international law, promoting the country's national interests, and keeping ties with other countries on its foreign policies. As a result, protecting the entire Indonesian nation and the entire homeland of Indonesia is one of the ultimate goals for the existence of the Republic of Indonesia, as stated in paragraph 4 of the Preamble to the 1945 Constitution of the Republic of Indonesia.<sup>13</sup>

In line with the reasons above and rationales, the Minister of Foreign Affairs Regulation No. 5 of 2018 ("MOFA Regulation") regarding the Protection of Indonesian National Abroad was enacted to react to unpredictable situations abroad. The dynamic situations in a respective country may disrupt and threaten Indonesian citizens abroad. Armed conflict, natural as well as man-made disasters, and human rights violations have been qualified as emergency situations. Quick, prompt and robust responses have to be taken. According

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<sup>9</sup>Colin Warbrick, "Diplomatic Representations and Diplomatic Protection," *The International and Comparative Law Quarterly* 51, no. 3 (2002): 727.

<sup>10</sup>Rohit Ambast and Vinay Tyagi, "Ambassadors of Europe: An Insight into the Evolution of the European Union and International Diplomatic Law," *Studia Diplomatica* 61, no. 4 (2008): 181.

<sup>11</sup>Jacques Bourgeois, "External Relations of the European Community," *Fordham International Law Journal* 22, no. 6 (1999): 149.

<sup>12</sup>Andrew F. Cooper, Jorge Heine, and Ramesh Thakur, "Introduction: The Challenges of 21<sup>st</sup> Century Diplomacy," in *The Oxford Handbook of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013): 2; Corneliu Bjola and Ilan Manor, "Digital Diplomacy in The Time of The Coronavirus Pandemic," *Center on Public Diplomacy*, 31 March 2020, <https://uscpublicdiplomacy.org/blog/digital-diplomacy-time-coronavirus-pandemic>.

<sup>13</sup>Paramitaningrum, Richa Vidya Yustikaningrum, and Galuh Dian Prama Dewi, "Model Diplomasi Perlindungan Pemerintah Indonesia terhadap Warga Negara Indonesia Pekerja Sektor Formal dan Informal di Luar Negeri", *Global Strategis* 12 no. 1 (2018); 17–37.

to Article 4 of the MOFA Regulation, the scope of protection includes actions of (a). prevention, (b). early detection, and (c). rapid response. Viewed from international law, this Regulation was enacted in accordance with relevant norms, principles and objectives of the 1961 Vienna Convention on Diplomatic Relations, the Optional Protocol to the Vienna Convention on Diplomatic Relations Concerning Acquisition of Nationality, and the 1983 Vienna Convention on Consular Relations and Optional Protocol to the Vienna Convention on Consular Relations Concerning Acquisition of Nationality.

In times of emergency, situation is defined as including situations of (a). war and/or conflict; (b). natural disasters; (c). non-natural disasters; (d). social disaster; (e). the political and security situation in the local country and/or the implementation of local government policies that directly impact the safety and security of Indonesian citizens; and (f). other conditions based on the nature, scope, and/or number of Indonesian citizens assessed as requiring immediate protection.<sup>14</sup> The Government must conduct a “special contingency plan” to protect its nationals abroad. In the past, this would have been especially relevant for the Iraq, Syria, Somalia, Libya, and Afghanistan conflicts since the capacity to act helps the state avoid shaming, negative stereotyping, and blaming and reach branding and sound imaging.<sup>15</sup> Lessons learned have been taken as legitimate reasons to improve its capacity building of state protection. These provisions are most relevant to the Russia-Ukraine conflict and the Sri Lanka situation. Nonetheless, implementing this Regulation, especially in times of emergency, is constantly faced with various challenges and problems in the field.<sup>16</sup>

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<sup>14</sup>Chandra Lekha Sriram, “From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict” (Report, International Peace Academy, 2003), 36-37.

<sup>15</sup>Ola Tunader, Pavel K. Baev and Victoria Ingrid Einagel, *Geopolitics in Post-Wall Europe* (London: Sage, 1997), 17-18; Wolfgang Friedman, *The Changing Structure of International Law* (London: Stevens and Sons, 1964), 60-63.

<sup>16</sup>Heath, J. Benton, “Disaster, Relief, and Neglect: The Duty to Accept Humanitarian Assistance and the Work of the International Law Commission,” *International Law and Politics* 43, no. 2 (2011): 446; David Fisher, “Domestic Regulation of International Humanitarian Relief in Disasters and Armed Conflict: A Comparative Analysis,” *International Review of the Red Cross* 89, no. 866, (June 2007): 353-354; United Nations General Assembly Resolution A/Res/46/182, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations*, (19 December 1991); United Nations General Assembly Resolution A/Res/57/150, *Strengthening the effectiveness and coordination of international urban search and rescue assistance*, (16 December 2002).

Undeniably, contemporary diplomacy methods can no longer be applied if sovereign States expect an effective result from such methods.<sup>17</sup> The emergence of modern diplomacy has pushed states to put more burdens on the workload of diplomats and consuls to execute diplomatic missions effectively.<sup>18</sup> Diplomats have also become the centre of forming public opinion and are responsible for catching the public's attention.<sup>19</sup> To maximise the effectiveness of one's foreign policy, states must learn to apply new modern diplomacy that involves not only people working for the Ministry of Foreign Affairs but also private actors that could help rebrand the state's campaigns in order to safeguard one of the most critical functions of diplomatic mission to protect national interests and Indonesian nationals abroad.<sup>20</sup>

This paradigm provides a framework of analysis that this Regulation fosters the Indonesian legal system as a distinct legal feature, particularly in strengthening protection efforts in a dynamic situation.<sup>21</sup> As a legal system, the creation and implementation of the MOFA Regulation also face imminent legal problems for its implementation, i.e., possible legal gaps (norm vs reality), legal ambiguity, legal overlapping authority, legal loopholes and possible conflict of norms, especially on diplomatic matters relating to sovereignty versus territorial integrity of the receiving State.<sup>22</sup> Keck, Simmons and Finnermore in their works argue that the idea of justice, purposiveness and legal certainty claimed by civilians (the Indonesian nationals abroad) who are trapped in emergency situations is potentially reduced in a very systematic manner when clarity,

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<sup>17</sup>Eileen Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations* (Oxford: Oxford University Press, 2016), 19.

<sup>18</sup>Jan Wouters, Sanderijn Duquet, and Katrien Meuwissen, "The Vienna Conventions on Diplomatic and Consular Relations" in *The Oxford Handbook of Modern Diplomacy*, eds. Andrew Cooper, Jorge Heine and Ramesh Thakur (Oxford: Oxford University Press, 2013), 512.

<sup>19</sup>Manfred Elsig and Milewicz Karolina, "The Politics of Treaty Signature: The Role of Diplomats and Ties that Bind," *International Negotiation*, 22, no. 3 (2017): 521.

<sup>20</sup>David Crikemans, *Regional Sub-State Diplomacy Today* (Leiden: Martinus Nijhoff Publisher, 2010): 5.

<sup>21</sup>Malcolm N. Shaw, *International Law*, 6th Edition (Cambridge: Cambridge University Press, 2008), 129-133; Julian Hermida, "A Proposal Toward Redefining The Model of Application of International Law in the Domestic Arena", *Singapore Journal of International and Comparative Law* 7 (2003): 489-510.

<sup>22</sup>Amitav Acharya, "Do Norms and Identity Matter? Community and Power in South East Asia's Regional Order," *The Pacific Review* 18, no. 1 (March 2005): 95-118; Oona A Hatheway, "Testing Conventional Wisdom," *European Journal on International Law* 14, no. 1 (2003): 197.

simplification of procedures and willingness of those who are in charge are less communicated and disseminated before, during and after the said situations.<sup>23</sup>

On the other hand, legal positivism believes that by the end, it will be able to solve and provide answers and/or way outs to remedy the existing problems and place the MOFA Regulation as a system of law relevant to that matter to increase legal expectation. Accordingly, this paper is aimed to address these challenges and propose possible solutions for better implementation required by the MOFA Regulation. First, sections II through IV critically examine the area, scope, and orientation of diplomatic and consular relations in emergencies. Secondly, it will provide a comparative analysis of failure and best practices from the UN peace operations for their effective intervention modes to safeguard protection in the territories of the UN Member States. Thirdly, past and recent emergency situations in which the MOFA Regulation was applied will also be analysed to indicate problems and challenges. Then, they will be used to propose feasible improvements. In the end, section V will provide a conclusion and attainable recommendations for better implementation in the future.

## II. RELEVANCE OF DIPLOMATIC AND CONSULAR MISSIONS IN EMERGENCY SITUATION

Diplomatic representation serves as the main element of diplomatic practice, although the concise scope of diplomatic representation has never been and will never be clearly defined.<sup>24</sup> Representation involves various dynamic duties and activities, and contemporary bilateral diplomacy needs to be more relevant and practical.<sup>25</sup> This paper believes that the essence of diplomatic representation relies on two aspects, namely access and presence of representation. They are the

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<sup>23</sup>Margaret E Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Network in International Politics* (New York: Cornell University Press, 1998); Beth A Simmons, *Mobilising for Human Rights: International Law in Domestic Politics* (New Jersey: Princeton University Press, 1998); Martha Finnemore, *National Interests in International Society, Cornell Studies in International Economy* (New York: Cornell University Press, 1998).

<sup>24</sup>Cooper, *et al.*, "Introduction," 13; Andre Lecours, *Political Issues of Para diplomacy: Lessons from the Developed World* (Clingendael: Netherlands Institute of International Relations, 2008), 2–4; Jorge Schiavon, *A Comparative Para diplomacy* (London: Routledge, 2019).

<sup>25</sup>Cooper, *et al.*, "Introduction," 13.

most essential features to deliberate adequate protection for nationals abroad.<sup>26</sup> Advocacy regarding accessibility for modes and means to deliver protection remains the primary function of representation in today's international relations.<sup>27</sup> However, how advocacy will be conducted must be strongly linked with diplomatic access in certain regions in the receiving countries.<sup>28</sup> In this aspect, the nature of representation has shifted as a geographical representativeness and a potent networking agent to fulfil a state's political and economic interests.<sup>29</sup> International legal instruments on diplomacy, such as the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, do not mainly set a limitation on the scope of representation applicable to deploy means and methods to safeguard individual protection in times of emergency as what Government of the Philippine did.<sup>30</sup> What is defined is merely the functions of diplomatic missions,<sup>31</sup> but they do not limit the means and methods of conducting such diplomatic and consular missions directed to a disrupted situation in the receiving states.<sup>32</sup> The modern function of representation implies a state's status and refers to its economic and political relationships as a prediction for imminent threats to its nation abroad.<sup>33</sup> The elected diplomats are given immense freedom and powers of discretion to

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<sup>26</sup>Anton Skjerna, "Theorising the Impacts of International Law in State Behavior in World Politics" (Paper presented at the International Studies Association in San Francisco, 2008) 1.

<sup>27</sup>Michaela del Calla, "1,300 More Filipinos Want to Flee Strife-Torn Syria," PTV News, accessed 3 September 2022, <http://ptvnews.ph/index.php/bottom-news-life/12-12-world/3962-1-300-more-filipinos-want-to-flee-strife-torn-syria-dfa.>; Noel Morada and Teresa S. Encarnacion Tadem, *Philippine Politics and Governance: An Introduction* (Quezon City: Department of Political Science, University of the Philippines, 2006): 538.

<sup>28</sup>Jan Melissen, *The New Public Diplomacy: Between Theory and Practice* (London: Palgrave MacMillan Press, 2005): 5.

<sup>29</sup>International Court of Justice, *Sovereignty over Pulau Ligitan and Pulau Sipadan* (Indonesia v Malaysia), Judgment, 17 December 2002; Gusti Leseq, "Sengketa Sipadan-Ligitan (Selesai) Akhirnya Malaysia Keluar sebagai Pemenang", accessed 29 September 2004, [www.sasamba.or.id/nunukan.htm](http://www.sasamba.or.id/nunukan.htm); Mochtar Kusumaatmadja, "Konsepsi Hukum Negara Nusantara pada Konferensi Hukum Laut Ke-3," *Indonesian Journal of International Law* 1, no. 1 (2003); OC.Kaligis, *Sipadan-Ligitan: Mengapa Kita Kalah*, (Jakarta: O.C. Kaligis & Associates, 2003), 18.

<sup>30</sup>Henelito A. Sevilla, "The Emergency Evacuation of Overseas Filipino Workers From Libya and Syria", accessed 3 September 2022, <https://www.mei.edu/publications/emergency-evacuation-overseas-filipino-workers-ofws-libya-and-syria>; Rodel Rodis, "Shameful Philippine Vote on Syria," accessed 3 July 2012, <http://globalnation.inquirer.net/42723/shameful-philippine-un-vote-on-syria>.

<sup>31</sup>Vienna Convention on Diplomatic Relations, 1961, Article 3.

<sup>32</sup>Jonathan Symons, "The Legitimation of International Organisations: Examining the Identity of the Communities that Grant Legitimacy," *Review of International Studies* 37, no. 5 (2011): 2559.

<sup>33</sup>Kishan S. Rana, *21<sup>st</sup> Century Diplomacy: A Practitioner's Guide* (New York: Continuum International Pub. Group, 2011).



execute various goals of representation itself, especially to draft any necessary measures to protect their nationals in the territories of the receiving states.<sup>34</sup>

Undeniably, many functions of diplomacy make diplomacy essential in any peaceful and efficient changes in today's international relations.<sup>35</sup> Reasons to negotiate have always been the same, namely to reach a better understanding and to conclude consents to which all Indonesian representatives are entitled to do so as a manifestation of free and active external political affairs.<sup>36</sup> Throughout diplomacy's existence, the structure of diplomatic posts has changed from a loose one to an organised institution made for a specific purpose, such as to foster better protection.<sup>37</sup> While diplomatic and consular post structures have changed, the functions remain unchanged.<sup>38</sup> Diplomacy has four primary functions: reporting, protecting, representing a state's interests, and conducting negotiations or discussions designed to identify common interests and disagreements between parties to achieve the state's goals and avoid conflict.<sup>39</sup>

Narrowing the scope, diplomacy in this paper is defined as a practice in which the state interacts with the other sovereign subjects of international law, and it takes place in international law as the state obeys international law to explain and justify their policies to the other in order to understand themselves better to safeguard protection their nationals abroad.<sup>40</sup> It translates state policies and needs into the language of international law and international relations on accountability and legitimacy of actions once they initiate protection measures in an emergency situation. It is, therefore, deeply bound to rule-following, and the practice of diplomacy is constituted by political appeals invested in compliance: diplomacy means providing rule-following explanations for the

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<sup>34</sup>Donald E. Queller, *The Office of Ambassador in the Middle Ages*, (Princeton: Princeton University Press, 1967), 26.

<sup>35</sup>J. Craig Barker, *The Protection of Diplomatic Personnel* (Hampshire: Ashgate Publishing Limited, 2006), 17-18.

<sup>36</sup>Indonesia, Law No. 37 of 1999 on External Relationship, Preamble, para. (d); It states, "In its implementation, external relationship, either bilateral or multilateral, is devoted to national interests based upon free and active external political affairs".

<sup>37</sup>Paul Behrens, *Diplomatic Law in A New Millennium* (London: Oxford-Clarendon Press, 2017), 365.

<sup>38</sup>John Quigly, William J. Aceves and Adele S. Shank, *The Law of Consular Access, A Documentary Guide* (New York: Routledge, 2010), 3 and 39.

<sup>39</sup>Vienna Convention of the Diplomatic Relations, 1961, Article 3.

<sup>40</sup>Noé Cornago, "On the Normalisation of Sub-State Diplomacy", *The Hague Journal of Diplomacy* 11, no. 5, (2010): 14.

state's choices to deploy such emergency measures.<sup>41</sup> This is the “infrastructure of world politics,” made necessary by what Paul Sharp calls the “relations of separateness” that define the sovereign states.<sup>42</sup> Of course, the state enacts laws, rules and regulations to strengthen their diplomatic positions to the other by constructing justifications that situate their policies and preferences as consistent with international law.<sup>43</sup> It is, therefore, productive, especially in times of emergency in war-torn regions, such as North Asian countries.<sup>44</sup>

Regarding diplomatic representation since the formulation of the VCDR, their function has significantly widened and weighted, particularly in dynamic threats.<sup>45</sup> Although the intended roles of diplomats and consular agents are directed to act on behalf of the sending state's interests, they are also expected to support the state's aim to project good images under the current world order by articulating their sending state's international policy goals and pursuing a great network of global governance.<sup>46</sup> In other words, diplomats and consular agents have played roles as representatives and representatives from sovereign states.<sup>47</sup> This would require them to have twenty-twenty visions, as their role can extend beyond what is stated in the existing customs or diplomatic rules to fulfil current demands.<sup>48</sup> To achieve such goals, diplomats and consular agents must be creative and flexible when executing their functions, especially anticipating and evacuating their nationals when an emergency situation breaks.<sup>49</sup>

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<sup>41</sup>Kenneth Weisbrode, *Old Diplomacy Revisited: A Study in the Modern History of Diplomatic Transformations* (London: Palgrave Macmillan, 2014), 36.

<sup>42</sup>R. P. Barston, *The Changing Nature of Diplomacy: Modern Diplomacy* (London: Routledge, Taylor & Francis Group, 2019), 3.

<sup>43</sup>Francis G. Jacobs, *The Sovereignty of Law* (Cambridge: Cambridge University Press, 2007), 4-5.

<sup>44</sup>“Gempuran Setelah Hari Kurban,” *Majalah Tempo*, 18 November 2012, 160-162; “Kisah Dari Wilayah Tiga Bintang Merah,” *Majalah Tempo*, 25 November 2012, 126-128; “Para Yudas Tentara Assad,” *Majalah Tempo*, 2 Desember 2012, 148-149; George Lenczowski, *Timur Tengah di Tengah Kancah Dunia* (Bandung: Sinar Baru Algensindo, 1992), 199; Riza Sihbudi, *Bara Timur Tengah* (Bandung: Penerbit Mizan, 1993), 66.

<sup>45</sup>A.M. Fernandez Pasarin, “Consulates and Consular Diplomacy,” in *The SAGE Handbook of Diplomacy*, ed. C.M. Constantinou, P. Kerr and P. Sharp, (London: SAGE Publication, 2016), 161-169.

<sup>46</sup>Peter van Ham, *European Integration and the Postmodern Condition: Governance, Democracy* (London: Routledge, 2001), 5.

<sup>47</sup>Weisbrode, *Old Diplomacy Revisited*, 36.

<sup>48</sup>Tassilo Herschel and Peter Newman, *Governance of Europe's City Regions: Planning, Policy & Politics* (London: Routledge, 2003); Sahay Paramjit, *Indian Cultural Diplomacy: Celebrating Pluralism in a Globalised World* (Delhi: VJ Books Pty Ltd, 2019).

<sup>49</sup>Ana Mar Fernandez and Jan Melissen, *Consular Affairs and Diplomacy* (Leiden: Brill, 2011), 23; David Crikemans, *Regional Sub-State Diplomacy Today* (Leiden: Brill, 2010), 26.

For example, in modifying existing customs from standing in deterrence and defence to civilian engagement and competition, and also from having the mindset of protecting national security to protect national prosperity and security, they are required to enlarge their knowledge of the current situation of the receiving states which might endanger their bilateral relationship.<sup>50</sup> In modern diplomacy, performing actors are not only limited to presenting themselves in a formal forum such as conferences or congress, but they are also expected to take advantage of electronic social networks, multinational corporations, and transactional organisations to maximise alerts and/or risks.<sup>51</sup> This rapid development also creates other issues, for example, the problem of cross-border disputes, refugee movements, criminal activity,<sup>52</sup> dual citizenship, or even international marriages<sup>53</sup> which have significantly increased over the years, reshaping the concept of state sovereignty in bilateral and multilateral relationships on the rubric of adequate protection by state representatives.<sup>54</sup>

In line with diplomatic functions, viewed from the traditional approach, consular agents are only expected to assist and promote the interests of their domestic citizens in the foreign territory by handling economic, legal, and political issues.<sup>55</sup> These functions include issuing passports and travel documents to nationals of the sending state, acting as notary and civil registrar, and others.<sup>56</sup> This is untrue, mainly when we discuss providing legal assistance.<sup>57</sup> In the *LaGrand* Case, for example, German citizen brothers bungled an armed bank

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<sup>50</sup>Criekemans, *Regional Sub-State*, 37-38.

<sup>51</sup>*Ibid.*, 34.

<sup>52</sup>Barston, *The Changing Nature*, 3.

<sup>53</sup>Maaïke Okano-Heijmans, "Consular Affairs," in *Oxford Handbooks of Modern Diplomacy*, ed. Andrew F. Cooper, Jorge Heine, and Ramesh Thakur (Oxford: Oxford University Press, 2013), 2.

<sup>54</sup>Allen Buchanan, "Rawl's Law of People: Rules for a Vanished Westphalian World," *Ethics* 110, no. 4 (2000): 35-66; Stephen Krasner, *Sovereignty: Organised Hypocrisy* (New Jersey: Princeton University Press, 1999), 20; John H. Jackson, "Sovereignty-Modern: A New Approach to an Outdated Concept," *American Journal of International Law* 97, no. 4 (2003): 786-787; Michael Reisman, "Sovereignty and Human Rights in Contemporary International law," *American Journal of International Law* 84, no. 4 (1990): 876, 879; Louis Henkin, *International Law: Politics and Values* (Dordrecht: Martinus Nijhoff Publishers, 1995), 9-11; Ernst-Ulrich Petersmann, "How to Constitutionalise International Law and Foreign Policy for the Benefit of Civil Society?," *Michigan Journal of International Law* 20, no. 1 (1999): 1.

<sup>55</sup>Halvard Leira and Nina Graeger, "Introduction, The Duty of Care in International Relation" in *The Duty of Care in International Relations: Protecting Citizens Beyond the Border*, ed. Nina Graeger and Halvard Leira (London and New York: Routledge, 2019): 1-15.

<sup>56</sup>Vienna Convention on Consular Relations, 1963, Article 5.

<sup>57</sup>Petersmann, "How to Constitutionalise", 6-9.

in the US. They killed and injured some people, and they then were charged with murder and sentenced to death.<sup>58</sup> In this case, LaGrand, as a foreigner, was not well informed about consular assistance under the VCCR as the Arizona authorities failed to give them such notices. It is then deemed that *if only* they were provided with their rights to consular assistance, they might have been able to mount a better defence. Other than the importance of the consular's position, this case also shows that the obligation to assist is not only limited to those belonging to the sending state's national. Further, the consular role has also been shifted to handle general public needs.<sup>59</sup> One of the examples is when an international occurrence happens, and the consular is demanded to respond on behalf of its state even if such state is not a party or by *prima facie* has no interest in protecting their nationals at such instance as practised by the Mexican consular agents recently.<sup>60</sup> Therefore, the biggest obstacle is that consular agents must realise that their roles now are limited to serving their citizens and other citizens not of their territories once imminent threats are unavoidable. In order to respond to this instance, consumers may engage in cooperation with all available resources.<sup>61</sup>

The primary function of a consular officer is to assist and promote the national interests of the sending state in foreign territory.<sup>62</sup> The biggest challenge of executing functions of consular offices is getting public scrutiny over the performance of governments, both in foreign territory or at home territory, for communicating assistance to nations abroad.<sup>63</sup>

Non-state actors are involved in fulfilling the function of consular offices, creating an external relationship that is much more complex than that consular office usually does.<sup>64</sup> For a state's foreign policy to gain public approval, one

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<sup>58</sup>International Court of Justice, LaGrand Case (*Germany v. United States of America*), Judgement, 27 June 2001.

<sup>59</sup>Luke T. Lee and John Quigley, *Consular Law and Practice*, (Oxford: Oxford University Press, 1961), 11-15.

<sup>60</sup>Jorge Cicero Fernandez, "Mexican Consular and Diplomatic Functions Vis a Vis Private International Law and Nationality Conflicts: Toward A New Normative Framework for the 21<sup>st</sup> Century," *Mexican Law Review* 12, no. 1 (2019): 63-65.

<sup>61</sup>Bruno Simma and Andreas L. Paulus, "The International Community, Facing the Challenge of Globalization," *European Journal of International Law* 2, no. 9 (1998): 266.

<sup>62</sup>Manojlovic and Thorheim, *Crossroads of Diplomacy*, 16.

<sup>63</sup>Jan Melissen, "Consular Diplomacy First Challenges: Communicating Assistance to National Abroad," *Asia & Pacific Policy Studies* 7, no. 2 (2020): 221, 226.

<sup>64</sup>*Ibid.*, 225.

of the approaches the Ministry of Foreign Affairs takes is to improve the effectiveness of consular affairs.<sup>65</sup> Nowadays, consular offices are also responsible for handling legal issues, primarily on behalf of the sending State. Any actions taken by consular affairs have become a window for the public to see diplomatic activities, and it has significantly damaged the reputation of the Ministry of Foreign Affairs.<sup>66</sup> The opportunity of opening a consular service has been used to improve international cooperation and information exchanges between states.<sup>67</sup>

After addressing the main components of diplomacy and their purposes and challenges, it addresses actual changes in the global realm that affect diplomacy directly in a way that might render current practices outdated and ineffective in improving the protection of nationals abroad in times of public emergency. *First*, the occurrence that the population does not react to propaganda-style content as they did before inevitably has increased creative means and methods of mutual communication and consent. *Second*, it is undeniable that international affairs are more complex than before, where states are not the only actor recognised within international playing fields to plan, deploy and evacuate their nationals abroad.<sup>68</sup> Furthermore, these two occurrences can pose serious threats to peace and stability where tension arises across and between religions, cultures, and regions, and conflicts tend to span over large areas not restricted by state borders and where diplomacy may not be able to reach.<sup>69</sup> In line with the trends above, problems as well and challenges in the field, the adaptability of international diplomacy rests in the need to discuss foreseeable diplomatic behaviour and then take the complexities thereof into consideration, which leads to the discussion of solutions towards the inevitable challenges in the field, especially in time of public emergency.<sup>70</sup>

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<sup>65</sup>*Ibid.*, 227.

<sup>66</sup>*Ibid.*, 227.

<sup>67</sup>B. Sen, *A Diplomat's Handbook of International Law and Practice* (Leiden: Martinus Nijhoff Publisher, 1965), 227.

<sup>68</sup>Alex J. Bellamy and Sara E. Davies, "The Responsibility to Protect in the Asia-Pacific Region," *Security Dialogue* 40, no. 6 (2009): 6; Bin Cheng, "Custom: The Future of General State Practice in Divided World" in *The Structure and Process of International Law: Essay in Legal Philosophy, Doctrine and Theory*, ed. R. Macdonald dan Douglas M. Johnston, (Dordrecht: Martinus Nijhoff Publisher, 1983), 513.

<sup>69</sup>Jay Winter and Antoine Prost, *Rene Cassin and Human Rights, From the Great War to Universal Declaration of Human Rights* (Cambridge: Cambridge University Press, 2013), 221-225; Reiner Arnold, *Universalism of Human Rights* (Dordrecht: Springer, 2013), 1-12.

<sup>70</sup>Anthony Austin, *The Handbook of International Law* (Cambridge: Cambridge University Press, 2010), 186-215.

The contemporary international order rests on a widely shared commitment to the international rule of law by and to the central machinery of international stability, which depends on compliance with international law.<sup>71</sup> As a result, the practice of diplomacy is defined by three elements: it is social, it is state-centric, and it uses and produces legal resources of the international system. Meanwhile, the primary component of the contemporary legalised international order is the notion of an international rule of law in which states are expected to abide by the legal commitments that they take on.<sup>72</sup> The content of these commitments might be subject to competing interpretations through treaties, customs, and other mechanisms. However, the underlying idea of the rule of law and the importance of compliance are universally espoused and are presented as morally, legally, and politically good by states. So, states use international law to explain their behaviour, and they contribute to remaking and reinforcing those rules in violent areas such as Thailand and Myanmar in South East Asia Countries, contributing to the disruption of the lives of nations abroad.<sup>73</sup>

### III. COMPARISON WITH THE UNITED NATIONS PEACE OPERATIONS FOR CIVILIAN PROTECTION IN EMERGENCY SITUATIONS

United Nations peace operations, deployed based on Chapter VI or VII, have similarities with the representation of states to conduct protection missions in times of emergency in other states' territories or jurisdictions. Since diplomatic representatives bear more challenging responsibilities and become a symbol

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<sup>71</sup>Markus Burgstaller, *Theories of Compliance with International Law* (Leiden: Martinus Nijhoff Publisher, 2005), 85; Andrew Guzman, *How International Law Works, A Rational Choice Theory* (Oxford: Oxford University Press, 2008), 22.

<sup>72</sup>United Nations, *Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance* (14 April 2008), 1; Paul F. Diehl, *The Politics of Global Governance, International Organizations in An Interdependent World* (Colorado: Lynne Rienner Publishers, 2005), 9-11; Dencho Georgiev, "Politics or Rule of Law: Deconstruction and Legitimacy in International Law," *European Journal of International Law* 4, no. 1 (1993): 67.

<sup>73</sup>"Konflik Umat Islam dan Budha di Myanmar, 2 Tewas," Koran Tempo, accessed 2 August 2022, <http://www.tempo.co/read/news/2014/07/03/118590128/Konflik-Umat-Islam-Buddha-di-Myanmar-2-Tewas>; "Lebih Dari 80 Nyawa Melayang Dalam Konflik Budha-Islam di Myanmar," DetikNews, accessed 28 August 2022, <http://news.detik.com/read/2012/06/21/141139/1947248/1148/lebih-dari-80-nyawa-melayang-dalam-konflik-buddha-islam-di-myanmar>; Baiq Wardhani, "Konflik Identitas di Thailand Selatan," accessed 28 August 2022, [http://baiq-wardhani-fisip.web.unair.ac.id/artikel\\_detail-64329-Umum-Konflik%20Identitas%20di%20Thailand%20Selatan.html](http://baiq-wardhani-fisip.web.unair.ac.id/artikel_detail-64329-Umum-Konflik%20Identitas%20di%20Thailand%20Selatan.html); Linell E. Cady and Sheldon W. Simmons, *Religion and Conflict in South and Southeast Asia, Disrupting Violence* (London: Routledge, 2007), 33-35.

of how states behave, we can see that diplomats worldwide are also becoming soft targets for violence. In 2012, there were more than 95 attacks and in 2021, there were 25 attacks aimed at diplomatic institutions focusing on harming the UN personnel, such as in Congo lately.<sup>74</sup> This is more proof that the role of diplomatic representation is way beyond representing the citizens of the sending state on the territory of the receiving state, as also practised by the UN as an international organisation in conducting preventive diplomacy.<sup>75</sup> Representation has been described as not only representing immediate national interests,<sup>76</sup> but also superiorly represent the interests of the world, making it a significant burden for a diplomatic representative to handle the protection of their citizen, give services to foreigners, and maintain a solid political and economic position among other states.<sup>77</sup>

Conclusively, all the cumulative explanations above have represented and elaborated similarities, differences, and the synergy between diplomatic law, international law, and international relationships to safeguard the protection of nationals abroad carried out by state representatives and the UN when deploying peace operations worldwide.<sup>78</sup> The diplomatic mission report, in this regard, aims to provide information on occurrences or events currently happening in receiving states or areas where UN peace operations are deployed.<sup>79</sup> It helps arrange comprehensive modes to be taken to deploy specific protection measures in accordance with the contingency plan.<sup>80</sup> The circumstances and developments in the receiving state to be covered or the areas and scope of reporting tasks done by diplomatic missions using reporting shall be deemed to include all political, cultural, social and economic activities of the receiving state which might be of interest to the sending States.<sup>81</sup>

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<sup>74</sup>Muhammad-Basheer A. Ismail, *Islamic Law and Transnational Diplomatic Law: A Quest for Complementarity in Divergent Legal Theories* (New York: Palgrave Macmillan: 2016), 139.

<sup>75</sup>United Nations, "Preventive Diplomacy at the United Nations," UN Chronicle, accessed 5 September, 2022, <https://www.un.org/en/chronicle/article/preventive-diplomacy-United-nations>.

<sup>76</sup>Harold Nicolson, *Diplomat/Foreword* (New York: Harper, 1959), xi.

<sup>77</sup>G.R. Berridge and A. Jennings, *Diplomacy of the United Nations* (London: McMillan Press Ltd, 1985), 48-50.

<sup>78</sup>United Nations, *United Nations Conflict Prevention and Preventive Diplomacy in Action* (New York: United Nations Department of Political Affairs, 2018), 2-3.

<sup>79</sup>United Nations, *United Nations Peace Keeping Operations, Principles and Guidelines* (New York: Department of Peace Keeping Operations Department of Support, 2008), 16.

<sup>80</sup>United Nations, *United Nations Peace*, 17.

<sup>81</sup>Wagner and Christian Oelfke, *Vienna Convention on Diplomatic Relations of 18 April 1961 - Commentaries on Practical Application* (Berlin: BWV-Berliner Wissenschafts-verlag GmbH, 2018), 66.

Please consider political and diplomatic backgrounds for any measures, especially contingency plans, to avoid legal ambiguity. It is relevant since it hinders the United Nations peace operations achievement under Chapter VI of the UN Charter.<sup>82</sup> Lack of credible information will lead to losses of credibility and accountability of the UN, whose role is to provide collective security for the international community, and in particular, endangers the life of those incumbent for such missions. It is then critical to discuss and examine deeply its functions to minimise or abolish political and diplomatic failures to conduct peace operations under the aegis of the UN based upon current and past peace operations at strategic, operational and tactical levels.<sup>83</sup> Due to its broad contribution to the legal dimension of peace operations, political and diplomatic backgrounds will be discussed above. At this level, political and diplomatic background creates responses to certain factual circumstances at the territories where peace operation and intervention modes would be deployed and carried out.

Changing contexts of global security have shaped political attitudes toward the creation of mandates in the UN system to respond to unavoidable circumstances, such as armed conflict, whether international or civil,<sup>84</sup> tyrannical and brutal governments,<sup>85</sup> uncontrolled violence,<sup>86</sup> help to implement a peace agreement,<sup>87</sup> and pandemic situations such as Covid-19 nowadays.<sup>88</sup> Therefore, political backgrounds in creating a mandate for peace operations highlight

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<sup>82</sup>United Nations Charter, 1945, Article 1.

<sup>83</sup>United Nations, "The Report of the Panel for United Nations Peace Operation (Brahimi Report)", A/55/305-S/2000/809 (Report by United Nations General Assembly Security Council, 2000), 7-12.

<sup>84</sup>Such as in Bosnia Herzegovina, United Nations Protection Force (UNPROFOR), S/Res/758, 8 June 1992, S/Res/761, 29 June 1992, and S/Res/770, (13 August 1992), and in Sierra Leone, United Nations Mission in Sierra Leone, S/Res/1270, 22 October 1999.

<sup>85</sup>Such as in Rwanda, United Nations Assistance Mission for Rwanda (UNAMIR), S/Res/918 (17 May 1994), and in Haiti, United Nations Mission in Haiti (UNMIH), S/Res/975 (30 January 1995).

<sup>86</sup>Such as in Somalia, The Unified Task Mission for Somalia (UNITAF), S/Res/794 (3 December 1992); the United Nations Operation in Somalia (UNOSOM), S/Res/814 (26 March 1993), and in Albania, the Italian Multinational Protection Force (MPF), S/Res/1101, (12 March 1997).

<sup>87</sup>Such as in Kosovo, United Nations Mission in Kosovo (UNMIK), S/Res/1199 (23 September 1998), and in East Timor, Australian Multinational Force (INTERFET), S/Res/1264 (15 September 1999), United Nations Transitional Administration in East Timor (UNTAET), S/Res/1272 (12 October 1999).

<sup>88</sup>United Nations, 2022, "Covid-19 Response," accessed on 6 September 2022, : <https://www.un.org/en/coronavirus/UN-response>.



these multifaceted dimensions of global security dealing with certain factual situations. Lack of clarity due to inappropriate consideration of the aspects above will give rise to legal and political difficulties, which constantly undermine the operation's success in the fields. Examples were revealed by cases in the SC resolutions 819 of 1993, 16 April 1993, 824 (1993), 6 May 1993, and 836 (1993) for creating safe areas in the former Yugoslavia territory. Here, the mandate to save and defend safe areas from deliberate attacks against individuals needed more clarity, specificity and better substitutes for more decisive and forceful actions to prevent the unfolding horror which caused the fall of Srebrenica.<sup>89</sup>

Another example is the failure to respond at an early stage of the genocide perpetrated in Rwanda between April and July 1994 due to weak political consensus amongst incumbents in the UN headquarters. The Report from the Independent Inquiry confirmed that United Nations personnel, especially in New York, failed to heed information about impending or actual massacres and stuck for too long to the concept of impartial peacekeeping when more robust measures were required.<sup>90</sup> The creation of a mandate should be determined by the expense of specificity, unanimity and clarity by combining the most suitable information, availability of resources, and factual circumstances at the grounds.<sup>91</sup> Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict<sup>92</sup> also enhances confidence and deters the perception of selectivity or bias toward one region or another in creating a mandate. Lack of clarity due to inappropriate consideration of the aspects above will give rise to legal and political difficulties. They can undermine the operation's success, such as in the cases of resolutions 819 of 1993, 16 April 1993, 824 (1993), 6 May 1993, and 836 (1993) for the creation of safe areas in the former Yugoslavia.<sup>93</sup>

Furthermore, creeping mandate due to lack of clarity and specificity of the tasks in the mandate caused by political compromises compounded the degree

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<sup>89</sup>Report of the Secretary-General under General Assembly Resolution 53/35: *The Fall of Srebrenica*, UN Doc. A/54/549 (15 November 1999), para. 490.

<sup>90</sup>Report of the Independent Inquiry into the Action of the United Nations during the 1994 Genocide in Rwanda, UN Doc. S/1999/1257 (16 December 1999), para. 50-1.

<sup>91</sup>*Ibid*, para. 56 and 63.

<sup>92</sup>UN Doc. S/1999/957 (8 September 1993), recommendation 40.

<sup>93</sup>Adam Roberts, "Humanitarian Issues and Agencies as Triggers for International Military Action," *International Review of the Red Cross* 82, no. 839 (2000): 679; Secretary General of the United Nations Bulletin, 1999, "Observance by United Nations Forces of International Humanitarian Law", UN Doc. ST/SGB/1999/13 (6 August 1999).

of confusion for those who were carrying out the mandate in the field. This was in the cases of Resolution 837 (1992), creating UNOSOM II in Somalia, and Resolution 743 (1992), creating UNPROFOR in the former Yugoslavia. Consequently, many peace enforcers died in the battle with Aidid's factions in Somalia, and a legal vacuum emerged for the enforceability of peace enforcers' conduct in Kosovo.<sup>94</sup> Moreover, this confused precedent relates to several legal consequences as follows. First, it will create constitutional obstacles for troop-contributing countries, such as in the case of neutral states (Austria, Sweden or Switzerland). They will be reluctant in peace operations. Secondly, it will be attributed to the different political analyses and foreign policies of the troop-contributing countries with the notion of intervening in internal affairs.<sup>95</sup> Thirdly, it will lead to different attitudes and applicable law(s) to conduct peace operations when the nature of the mandate has been shifted.<sup>96</sup> As a result, the shift of the mandate will obstruct the existing Rules of Engagement (RoE) among those troop-contributing countries. Fourthly, it will also lead to failure to achieve the mission objectives due to confusion about the use of force by the forces to defend the mission. This happened in the UN Protection Force (UNPROFOR) case, whether a peacekeeping or peace enforcement operation since the Security Council was reluctant to clearly state under what chapter it was authorised: Chapter VI or VII.<sup>97</sup>

A situational assessment shall be conducted at the operational level, including the factual situation's political, economic and military dimensions. Further, assessment of the willingness of the parties to resolve their difference peacefully and cooperation from the host, neighbouring and or de facto occupying states manifest as secondary considerations.<sup>98</sup> Consequently, a restatement of the mission assigned by the Security Council, a concept of how the mission will be accomplished, a prioritised list of objectives to be accomplished, and who

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<sup>94</sup>Robert C. Siekmann, "The Fall of Srebrenica and the Attitude of the Dutchbat from an International Legal Perspective," *Yearbook of the International Humanitarian Law* 1 (1998), 301-312.

<sup>95</sup>*Ibid.*

<sup>96</sup>*Ibid.*

<sup>97</sup>Yasushi Akasi, "The Use of Force in A United Nations Peacekeeping Operation: Lessons Learnt from the Safe Area Mandate," *Fordham International Journal* 19, no. 2 (1995): 1.

<sup>98</sup>Nassrine Azimi and Chang Li Lin, "Report of the 2001 Singapore Conference, The Reform Process of the United Nations Peace Operations," (Report by United Nations Institute for Training and Research, the Institute of Policy Studies of Singapore, and the Japan Institute of International Affairs, 2001), 93-99.

is responsible for each objective related to political background in the peace operation conduct among those who are involved in a peace operation reflect importance aspects of proper availability as well as accessibility of relevant information.<sup>99</sup> Therefore, political and diplomatic backgrounds can be used as a prioritised action plan to conduct peace operations by choosing the correct information directly tied to accomplishing each objective.<sup>100</sup> Relevant to the factors above, executing a contingency plan also depends on these elements. By choosing the correct information relating to the aspects above by commander in chief, Force Commander and staffs, humanitarian Coordinator and staff, Civilian Administrator and staff, Police Commissioner and staff NGOs and IGOs, failure, tension, the danger of risks, and life casualty, property and credibility can be minimised while at the same time legitimacy can be maintained. All of the said elements are relevant and reveal best practices to be applied when representatives of states plan and deploy any actions directed to protect their nationals abroad in times of emergency. In line with this, patterns, tendencies and orientation of success or failure of the UN peace operations need to be analysed in order to improve any deployments of mission as well as the implementation of any contingency plans taken by the Indonesian representatives once there is an imminent threat to its national abroad.<sup>101</sup>

#### **IV. IMPLEMENTATION OF THE PROTECTION IN TIMES OF EMERGENCY**

The Indonesian diplomats and consular agents also bear the trends above, challenges and international obligations under rubrics of the diplomatic and consular laws once an emergency breaks up in the territory of the receiving state. Protection for Indonesian nationals abroad in emergencies has increased over the years.<sup>102</sup> Responding to this concern, the MOFA Regulation was passed by the Indonesian Ministry of Foreign Affairs in 2018. However, in the field, the Indonesian representatives face imminent problems, e.g., unpredictable

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<sup>99</sup>*Ibid.*, 264.

<sup>100</sup>*Ibid.*

<sup>101</sup>Oded Lowenheim, "The Responsibility to Responsibilize: Foreign Offices and the Issuing of Travel Warning," *International Political Sociology* 1, no. 3, (2007): 203-204.

<sup>102</sup>Enrico Milano, "Diplomatic Protection and Human Rights Before the International Court of Justice: Refashioning Tradition?," *Netherlands Yearbook of International Law* 35 (2004): 85-94.

situations, once they deploy rescue missions. Article 5 (3) MOFA Regulation requires a contingency plan to protect Indonesian residents abroad. This article requires information on the following aspects namely (1). Background of the situation in the concerned State that leads to emergency conditions; (2). A map of Indonesian citizens abroad, including the number, condition, and distribution; (3). Establishment of emergency status stages; (4). Steps taken by the central government, representative, or institution in every stage; (5). Establishment of evacuation map to safe zone; and (6). List of necessities to support emergency response, including human resources support, budgeting, communication devices, vehicles, foods, and safety measures.

Establishing evacuation maps to safe zones as required by point (5) is always challenging and demanding at strategic, operational and tactical levels. This can be revealed from the following example in the ongoing armed conflict between Russia and Ukraine, which has impacted Indonesian nationals there.<sup>103</sup> In this situation, the Indonesian Ministry of Foreign Affairs has noted that rescuing citizens near conflict zones is one of the biggest challenges.<sup>104</sup> The Indonesian government had successfully rescued around 130 citizens.<sup>105</sup> In such an attempt, there were difficulties in rescuing nine citizens residing in Chernihiv because conflict was still occurring in all evacuation routes.<sup>106</sup> Another experience is referred to in past situations in Afghanistan. Here, evacuation was previously challenged by the existence of unpredictable situations.<sup>107</sup> To respond, the government adopted a solution to use the Boeing 737 400, which flew faster and consequently allowed it to adapt quickly to the change of circumstances on the

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<sup>103</sup>Rulac, the Geneva Academy, "International Armed Conflicts in Ukraine," accessed on 5 September 2022, <https://www.rulac.org/browse/conflicts/international-armed-conflict-in-ukraine#collapseIaccord>; Human Rights Watch, "Russia, Ukraine and International Law: On Occupation, Armed Conflicts and Human Rights," accessed 5 September 2022, <https://www.hrw.org/news/2022/02/23/russia-ukraine-international-law-occupation-armed-conflict-and-human-rights>.

<sup>104</sup>Rizki Nurmansyah, "Kemlu Ungkap Dua Tantangan dalam Evakuasi WNI di Ukraina," accessed on 10 March 2022, <https://www.suara.com/news/2022/03/10/230407/kemlu-ungkap-dua-tantangan-dalam-evakuasi-wni-di-ukraina>.

<sup>105</sup>Teddy Tri Setio Berty, "12 WNI di Ukraina Berhasil Kembali ke Indonesia," accessed on 10 March 2022, <https://www.liputan6.com/global/read/4920381/12-wni-di-ukraina-berhasil-kembali-ke-indonesia-total-133-orang>.

<sup>106</sup>Sekretariat Kabinet Republik Indonesia, "Rombongan WNI yang Dievakuasi dari Ukraina tiba di Indonesia", accessed on 4 March 2022, <https://setkab.go.id/rombongan-wni-yang-dievakuasi-dari-ukraina-tiba-di-indonesia/>.

<sup>107</sup>Humbang Hasundutan, "TNI AU Beberkan Tantangan saat Evakuasi WNI di Afghanistan," accessed on 5 May 2022, <https://humbanghasundutankab.go.id/main/index.php/read/news/2267>.

ground. In a past situation in Libya, the Indonesian Ministry of Foreign Affairs adopted three options to rescue the Indonesian citizens who were trapped in time of emergency there:<sup>108</sup> *First*, rescue was deployed by airlines, specifically by renting foreign airlines or sending airlines from Indonesia; *second*, evacuation was also conducted by transporting Indonesian nationals by ferry ships from Libya to Aljazair; and *third*, completing rescue by air and sea where the government also initiated simultaneous evacuation by land, aside from these initiatives conducted by the Indonesian Ministry of Foreign Affairs, some private sectors, such as *PT Wijaya Karya Tbk*, also initiated rescue plans to smoothen the whole plan of the action.<sup>109</sup> In all the situations, the biggest challenge in the field is the instability on the grounds because most transportation routes were affected by conflicts. For example, the Libyan airport and ports were severely damaged by armed attacks, roadways were not entirely secure, and gas shortage decreased the possibility and success of the operations for rescue missions.<sup>110</sup>

Against the challenges above, the Indonesian Ministry of Foreign Affairs finally adopted several measures to cope promptly and robustly in the following actions. *Firstly*, manpower was added by delivering more workforce to help the Indonesian Embassy in Tripoli, Libya. *Secondly*, more precise mapping routes were coordinated by local authorities by deciding the evacuation routes through airways by Tunisian Air to Tunisia. This was taken since Tunisia is the safest route based on the development of the Libya situation, as well as the appropriateness of all resources and ease of obtaining permits as the most undeniable risk from authority.<sup>111</sup> *Thirdly*, cooperation with other countries, such as Thailand, to rescue Indonesian citizens in Libya was mutually undertaken to

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<sup>108</sup>Djibril Muhammad, "Menlu Mengaku Tak Mudah Evakuasi WNI di Libya," accessed on 10 March 2022, <https://www.republika.co.id/berita/165674/menlu-mengaku-tak-mudah-evakuasi-wni-di-libya>.

<sup>109</sup>Kompas, "Warga Asing Dipulangkan dari Libya," accessed on 10 March 2022, <https://money.kompas.com/read/2011/02/25/03175580/warga.asing.dipulangkan.dari.libya?page=all>.

<sup>110</sup>*Ibid.*

<sup>111</sup>Kompas, "Skenario Baru Evakuasi WNI dari Libya," accessed on 10 March 2022, <https://lifestyle.kompas.com/read/2011/02/25/11401091/~Internasional~News>; UN Press Release, "At Least 25 Peace Keeping, Associated Personnel Killed in Malicious Attacks During 2021, United Nations Staff Union Presidents Says," accessed on 5 September 2022, <https://press.un.org/en/2022/org1722.doc.htm>; ANI, "Attacks on UN personnel Contrary to International Law: US on Deaths of Peacekeepers in Congo," accessed on 5 September, 2022, <https://www.aninews.in/news/world/us/attacks-on-un-personnel-contrary-to-international-law-us-on-deaths-of-peacekeepers-in-congo20220729095032>.

maximise all available resources.<sup>112</sup> Analysing the practices above, establishing specific evacuation routes is highly recommended to consider any potential risks to mitigate against the unpredictability of the factual situation in the conflict zones. For example, this can be done by establishing specific cooperation with the host state to obtain data or to thoroughly execute evacuation routes to mitigate failure at the tactical level, as experienced by the UN peace operation analysed in the previous chapter.

To conduct such an operation, the legal basis to conduct their Functions in Reporting is based on the Vienna Convention of Diplomatic Relations 1961 (VCDR), to be exact, article 3(d). It states, “ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State.”<sup>113</sup> The diplomatic Mission function in the report is the report that consists of the occurrence or event that happens in receiving states that are arranged in comprehensive modes. The result of reporting can be done in the form of written material, audio and video media.<sup>114</sup> Technological developments have created a new norm of reports, where it is in a digital form in modern international relations required to detect and anticipate imminent threats in a globalised and liberalised world.<sup>115</sup> The circumstances and developments in the receiving state to be covered or the areas and scope of reporting tasks done by diplomatic mission using reporting shall be deemed to include all political, cultural, social and economic activities of the receiving state which might be of interest to the sending state.<sup>116</sup> Whilst the MOFA Regulation defines the term “Indonesian Representatives” as “diplomatic and consular representatives of the Republic of Indonesia who officially represent and fight for the interests of the nation, state and government of the Republic of Indonesia as a whole in the “local country” within its first few articles. Thus, it only does so to establish them (the Indonesian representatives) as the only parties responsible for protecting other Indonesian nationals abroad.

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<sup>112</sup>Antara, “Indonesia dan Thailand Kerjasama Evakuasi WNI dari Libya,” accessed on 5 March 2022, <https://www.antaranews.com/berita/257210/indonesia-dan-thailand-kerja-sama-evakuasi-wni-dari-libya>.

<sup>113</sup>Alexei Tsinovoi and Rebecca Adler-Nielsen, “Inversion of Duty of Care: Diplomacy and Protection of Citizen Abroad, From Pastoral Care to Neoliberal Governmentality,” *The Hague Journal of Diplomacy* 13, no. 2 (2018): 211-215.

<sup>114</sup>*Ibid.*

<sup>115</sup>*Ibid.*, 217.

<sup>116</sup>Wagner and Oelfke, *Vienna Convention on Diplomatic*, 66.

Upon further viewing, it is apparent that there is an absence of law regulating the protection afforded specifically to Indonesian diplomatic and consular agents in emergencies. This specific protection is essential as diplomatic and consular agents are among the persons who are most vulnerable during emergencies, especially emergencies relating to conflicts and wars in the receiving States. Additionally, diplomatic and consular agents usually stay in the countries experiencing emergencies to preserve diplomatic ties with the said country unless they have been announced as *persona non grata*. To illustrate, the landmark case for attacks on diplomatic and consular agents and staff is the Iran Hostage crisis, where 52 United States diplomatic and consular staff became hostages for 444 days in Iran.<sup>117</sup> Attacks on diplomatic staff and agents were also most prolific in the Afghanistan conflict, where five United Arab Emirates Diplomats were killed in southern Afghanistan and multiple embassies and consulates were bombed.<sup>118</sup> All in all, attacks on diplomatic agents and staff have been increasing, and terrorist attacks targeted at diplomatic and consular staff have become a common tragedy in modern international relations.<sup>119</sup>

Under international law, specifically under the 1961 Vienna Convention on Diplomatic Relations, the 1973 Vienna Convention on the Prevention and Punishment against Protected Persons, including Diplomatic Agents, and the Geneva Conventions 1949, the receiving state has the obligations and responsibility to protect all foreign diplomatic and consular agents and staff in their country with “all appropriate steps.” As Indonesia is a party State to the 1973 Vienna Convention on the Prevention and Punishment against Protected Persons, including Diplomatic Agents, Indonesia has yet to create a law or Ministerial Regulation explicitly relating to this convention for effective implementation and compliance. Hence, as of right now, protection for diplomatic and consular staff and agents in emergencies is generalised with the general protection afforded to Indonesian citizens, even though these agents and

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<sup>117</sup>International Court of Justice, Case Concerning United States Diplomatic and Consular Staff in Teheran (*United States vs Iran*), Judgement, 24 Mei 1980, 3.

<sup>118</sup>Vox News, “United Arab Emirates: 5 Diplomats Killed in Afghanistan Bombings,” accessed on 8 September 2022, <https://www.foxnews.com/world/united-arab-emirates-5-diplomats-killed-in-afghanistan-bombing>.

<sup>119</sup>ABC News, “Suicide Attacks at Russia Embassy in Kabul Kills 2 Diplomats,” accessed on 8 September, 2022, <https://abcnews.go.com/International/wireStory/blast-russian-embassy-kabul-casualties-reported-89345056>.

staff are tasked to create special contingency plans for Indonesian citizens.<sup>120</sup> There needs clear language in the MOFA Regulation for special attention and protection directed to diplomats and consular agents. Nonetheless, even without proper national regulations, the Indonesian diplomatic and consular agents and staff abroad are still protected under international conventions. As long as other countries respect and apply these conventions, their safety and well-being are protected under international law based on good faith and reciprocity principles.

In the same vein as the problem above, another issue of the MoFA Regulation is its inadequacy in protecting diplomatic and consular premises and facilities during emergencies. Diplomatic and consular facilities are central to every diplomatic work and mission. The host State and its internal functions regulated by the sending state should protect the safety of diplomatic and consular facilities. This is further affirmed under Article 22 (2) of the VCDR, which guarantees that “the receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusions or damages and to prevent any disturbance of the peace of the mission or impairment of its dignity”. With further regulations protecting its safety and governance, there would be a practical and effective contingency plan for the over-coming threats that may strike at any moment and cause disturbance in the mission. This is particularly important in cases of emergencies, for instance, in situations of armed conflict affecting national security. There have been numerous instances whereby the diplomatic and consular facilities have been harmed due to emergency status. For instance, in the 2015 Yemen conflict, the rising tension and conflict have led to the emergency status being proclaimed.<sup>121</sup> In that case, the launch of the airstrike by the coalition military of Arab States led by the United Arab Emirates led to the partial destruction of the Indonesian embassy office on 20 April 2015.<sup>122</sup> That said, the MoFA must focus on protecting Indonesian citizens abroad and the safety of its diplomats and consulates and their facilities. Diplomats and consulates are pivotal and instrumental agents to ensure the safety of citizens abroad. Without their integral assistance, there

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<sup>120</sup>Alexander Orakhelashvili, *Akehurst's Modern Introduction to International Law*, 9<sup>th</sup> Edition (London and New York: Routledge, 2022), 349-353

<sup>121</sup>Europe Diplomatic, “EU Diplomacy Sidelined Yemen Conflicts,” accessed on 8 September 2022, <https://europediplomatic.com/2019/10/19/eu-diplomacy-sidelined-yemen-conflict/>.

<sup>122</sup>Jakarta Globe, “Indonesia Condemns Bomb Attack in Embassy in Yemen,” accessed on 7 April 2022, <https://jakartaglobe.id/news/indonesia-condemns-bomb-attack-embassy-yemen/>.



is no guarantee for the other Indonesian citizens residing in such countries.<sup>123</sup> Therefore, it is crucial for MoFA to also regulate the safety of its diplomats and consulates and their facilities as their central location for conducting their activities.

The MOFA Regulation, fortunately, regulates obligations to record Indonesian citizens abroad. This is stipulated in Chapter IX, entitled Information System, specifically in Articles 26 and 27. Article 26 provides that the system operates services, protects Indonesian citizens abroad, and provides guiding principles to fulfil these obligations, *which are* integrated, standardised, accurate, and safe. Article 27 further elaborates on the conditions of this application, which divides citizens into two categories, namely, (a). one that has resided for *more* than six months and (b). one that has resided for *less* than six months. However, echoing my colleagues, the MOFA Regulation does not provide the same provisions for Indonesian representatives being sent to the receiving States.

Consequently, they become the only ones responsible for fulfilling the obligations presented in this MOFA Regulation, including the recording of data of Indonesian citizens abroad, interpreted from Article 3(b) of the VCDR. Given this situation, hardship arises for Indonesian citizens who must be properly recorded in the system during conflict or other emergencies in the receiving state. As a result, they failed to be evacuated into safe zones or sent back to Indonesia. This loophole creates a failure to fulfil the obligations required by the MOFA Regulation. In order to assess whether or not the implementation of this obligation has sufficed, three cases will be outlined as follows

## IV.1. Situation in Syria

Referring to the situation in Syria and Iraq attempts to repatriate Indonesian citizens from Islamic State (IS) Refugee Camps are reflected by the establishment of the Foreign Terrorist Fighter Task Force or ‘*Satgas FTF*’.<sup>124</sup> *Satgas FTF* represents an inter-governmental organ spearheaded by the National Counter Terrorism Agency. *Satgas FTF* serves to record and coordinate data of Indonesian Foreign Terrorist Fighters to identify threats and repatriation recommendations

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<sup>123</sup>Phillip Seib, *The Future of Diplomacy* (London and Malden: John Wiley & Sons, 2016), 1-5.

<sup>124</sup>Antara, “BNPT Akan Periksa Anggota FTF yang Diduga WNI Usai Pandemi,” accessed on 8 September 2022, <https://www.antaraneews.com/tag/satgas-fff-indonesia>.

in line with the implementation of the MOFA Regulation. Though this initiative is a unique case that experts are still debating because the subject at hand is, in fact, an ex-terrorist, inaction would cause further damage when a proportionality test is taken. After further evaluation, it has been ascertained that children under the age of 10 that the group has undertaken are prioritised and shall be protected not only by the MOFA Regulation but also through conventions of international law such as Article 6 (2) of the Convention on the Rights of the Child.<sup>125</sup> Despite the establishment of *Satgas FTF*, the repatriation process for Indonesian ex-terrorists could be faster. Notably, a 2021 Report by the Institute of Policy Analysis of Conflict (IPAC) provided that only 18 people, including five children, were repatriated with government interference in 2017. Approximately 1,250 citizens are still in conflict zones, according to the National Counterterrorism Agency.<sup>126</sup>

## IV.2. The situation in Sri Lanka

The bilateral relation between Indonesia and Sri Lanka could be historically inferred from the peace accord 1987. In 2022, Sri Lanka is facing an economic crisis caused by the government's mismanagement of the state's economic affairs, which has resulted in 30% inflation and weeks of protest. The reasoning dates back to the 2009 Sri Lanka civil war in which they chose to invest in domestic markets and not appeal internationally.<sup>127</sup> Here, there is no information present regarding the recording of data of Indonesian citizens in Sri Lanka who are facing hardship and, as such, should be sent back; this would produce two hypotheses: (1). Articles 26 and 27 of the MOFA Regulation have not been adequately implemented; or (2). The situation has not reached a dire circumstance that would lead to a significant amount of significance labelled 'a conflict zone.'<sup>128</sup> In any case, Indonesia has exercised its diplomacy and protected

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<sup>125</sup>Entered into force 2 September 1990, GA Res. 44/25 (Annex), UNGAOR, 44<sup>th</sup> Sess., Supp. No. 49, at 166, UN Doc. A/RES/44/49 (1990), 30 ILM 1448 (1989).

<sup>126</sup>Alif Satria, "Swift Action Needed on Indonesian in Islamic State Refugee Camps," accessed on 8 May 2022, <https://www.benarnews.org/english/commentaries/column-swift-action-needed-on-indonesians-in-islamic-state-refugee-camps-05202022151342.html>.

<sup>127</sup>Ayeshea Perera, "Sri Lanka: Why is the Country in an Economic Crisis?," accessed on 8 April 2022, <https://www.bbc.com/news/world-61028138>.

<sup>128</sup>Asian Development Bank, "Restoring Infrastructure in the Former Conflict Zones of Sri Lanka," accessed on 1 November 2022, <https://www.adb.org/results/restoring-infrastructure-former-conflict-zones-sri-lanka>.

its citizens by sending humanitarian aid to Sri Lanka through medicines and medical equipment in light of the current pandemic, amounting to IDR 22.1 billion of aid.<sup>129</sup>

### IV.3. Situation in Ukraine

Referring to the conflict in Ukraine, it is evident that Indonesian citizens were successfully evacuated through an evacuation plane. Although 133 of 165 Indonesian citizens have successfully left Ukraine, several still need to report.<sup>130</sup> The failure to report would consequently provide inconsistent data on evacuating Indonesian citizens, suggesting that Articles 26 and 27 of the MOFA Regulation have yet to be maximally implemented.

In order to preserve and continue diplomatic missions, the diplomats must be duly protected with sufficient funding and other proper resources. Unfortunately, there are issues about the implementation of funding of diplomatic missions. Regarding implementing contingency emergency plan missions, Article 5 (3) MOFA Regulation requires establishing a particular contingency plan, which shall include steps taken by the central government, representative or institution in every stage. This means that for every mission, every institution in every stage of evacuation is a key stakeholder. Regarding funding such missions, Art. 34 of the MOFA has elaborated on stakeholders. It provides: (1). Funding of the enforcement of protection is charged to: (a). *Daftar Isian Pelaksanaan Anggaran Kementerian Luar Negeri* that consists of *Daftar Isian Pelaksanaan Anggaran Pusat* and *Daftar Isian Pelaksanaan Anggaran Perwakilan*; and/or (b). Other valid but non-binding sources that are in accordance with laws and regulations. In an emergency, the Ministry of Defense may apply for additional funding to the Ministry of Finances. Funding from other sources shall be consulted with the Central Government. The Directorate can consider the discussion of Defense Budget Plans in the House of Representatives.

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<sup>129</sup>Ministry of Foreign Affairs of the Republic of Indonesia, "Indonesia Send Humanitarian Aid to Sri Lanka," accessed on 12 November 2022, <https://kemlu.go.id/portal/en/read/3567/berita/indonesia-send-humanitarian-aid-to-sri-lanka>.

<sup>130</sup>VOI Editorial Team, "Foreign Minister Reveals 133 Indonesian Citizens Have left Ukraine," accessed on 21 April, 2022, <https://voi.id/en/news/154240/foreign-minister-reveals-133-indonesian-citizens-have-left-ukraine>.

The funding implementation is executed by the defence *attache* of the representative of Indonesia abroad. The Ministry of Defense has such authority and is trying to optimise the function of the *attache*, which has the power to conduct diplomacy regarding the funding as well.<sup>131</sup> According to the Indonesian Ministry of Defense, the funding of contingency plans could be more acutely lacking.<sup>132</sup> The Ministry has stated that diplomatic missions and their contingency plans require substantial financial support. It pleaded, however, that the Ministry needed the proper amount of funding as it should have. Although there is a lack of funding, a report by the Ministry of Defense should be observed and analysed comprehensively. This is because the reports of the Indonesian Audit Board have shown a peculiarity in financial reports related to the MOFA funding as there has been involvement of a personal account of officials. The funding went to personal accounts, which amounted to 48 billion rupiahs. The Ministry of Finances does not authorise this.<sup>133</sup> As the investigation continued, the officials of the Ministry of Defense, including the *attache*, vouched that no illegal activities should be concerned. This is mistaken because the involvement of personal accounts leads to a need for more transparency. It can be borrowed and cross-transferred for other governmental or non-governmental purposes.

As a recommendation, implementing the MOFA funding provisions shall be more transparent. For example, the United States Secretary of Defense Foreign Affairs Office creates a budget report for diplomatic missions every term.<sup>134</sup> As one of many of its diplomatic mission reports, it mentions how embassy securities receive a budget of 7 million USD yearly. Aside from implementing the transparent report that countries such as the United States use, investigating officials' accounts shall be continued. If violations are found, adequate administrative sanctions and criminal punishments shall be given

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<sup>131</sup>Kementerian Pertahanan Republik Indonesia, "Buku Putih Kementerian Pertahanan Indonesia," accessed on 6 May 2022, <https://www.kemhan.go.id/wp-content/uploads/2016/04/BPPI-INDO-2015.pdf>.

<sup>132</sup>Golda Eksa, "Athar Butuh Dana Kontinjensi untuk Diplomas dan Operasional," accessed on 6 May 2022, <https://mediaindonesia.com/politik-dan-hukum/330393/athan-butuh-dana-kontinjensi-untuk-diplomasi-dan-operasional>.

<sup>133</sup>Zakki Amali, "Mengapa Duit APBN Masuk Rekening Pribadi Pejabat Kementerian," accessed on 2 May 2022, <https://tirto.id/mengapa-duit-apbn-masuk-rekening-pribadi-pejabat-kementerian-fSzt>.

<sup>134</sup>Department of State, "Foreign Operations, and Related Programs of the United States of America, 'Congressional Budget Justification: Fiscal Year 2021,'" accessed on 10 February 2022, <https://www.state.gov/wp-content/uploads/2020/02/FY-2021-CBJ-Final.pdf>.

to increase accountability and legitimacy of execution of the contingency plan based on the MOFA Regulation in the future.

## **V. CONCLUSION**

Although the MOFA regulation is intended for good purposes, the protection of the Indonesian representatives has yet to be effective or efficient. Multifaceted dimensions and involvement from many stakeholders are determinants on the grounds. Spanning from problems of its implementation, lack of stipulation, and loose interpretation, there are a plethora of solutions needed to be implemented towards its better implementation, or laws and regulations that would subsequently be promulgated directed to be technical guidance as well as standard of procedures to implement the MOFA regulation. If the problems are solved, a maximum degree of protection will be granted to diplomats and consular agents on the grounds. Initiating the instruments will reduce doubts, increase clarity, and enhance the legitimacy of each contingency plan prepared by all Indonesian representatives. Challenges in the fields will be reduced once representatives have “rules of engagement” derived from the MOFA Regulation directed to particular emergency situations which might break up. This practical directive eliminates challenges evacuating Indonesian nationals abroad during emergencies, protects diplomatic premises, and enhances safety for Indonesian representatives abroad. Further, it will give a more precise recording of conflicting or dangerous zones and their characteristics, and it will give more efficient funding since accurate modes, as well as methods of evacuations, are adequately prepared as bases to draft and execute the contingency plan at the grounds.

Promulgated on 9 September 2018, a systematic review of the 38 articles on the MOFA Regulation reveals opportunities, challenges, and opportunities to cope with emergencies faced by Indonesian nationals abroad. It reveals that intervention is needed promptly without intervening in the domestic affairs of the receiving state. Consent from the receiving State must first be attained by using diplomatic channels once there is a potential threat of public emergency. Communication and simplification of procedures shall be conducted by revealing reasons, tendencies, and perceptions from field actors and Indonesian nationals. What is revealed from this study could become proof of concept to reconstruct and reimplement the MOFA Regulation better in the future. Several suggestions

include creating standards, operating procedures, and technical directions during emergencies or other emergencies, determining legitimate elements of reasons, authority and allocation of available resources. On the other hand, this study also perceives Indonesian nationals' perception to fulfil elements of reasons to know, risks to be considered and their resources for any intervention modes of evacuation and safe travels. These elements could justify accountability and meaningful participation from victims as an essential foundation for creating proper standards and technical guidance to be planned and created by all Indonesian Representatives abroad.

## REFERENCES

- ABC News. "Suicide Attacks at Russia Embassy in Kabul Kills 2 Diplomats." Accessed on 8 September 2022. <https://abcnews.go.com/International/wireStory/blast-russian-embassy-kabul-casualties-reported-89345056>.
- Acharya, Amitav. "Do Norms and Identity Matter? Community and Power in South East Asia's Regional Order." *The Pacific Review* 18, no. 1 (2005): 95-118.
- Akasi, Yasushi. "The Use of Force in A United Nations Peacekeeping Operation: Lessons Learnt from the Safe Area Mandate." *Fordham International Journal* 19, no. 2 (1995): 312-323.
- Amali, Zakki. "Mengapa Duit APBN Masuk Rekening Pribadi Pejabat Kementerian." Accessed on 2 May 2022. <https://tirto.id/mengapa-duit-apbn-masuk-rekening-pribadi-pejabat-kementerian-fSzt>.
- Ambast, Rohit and Vinay Tyagi, "Ambassadors of Europe: An Insight into the Evolution of the European Union and International Diplomatic Law." *Studia Diplomatica* 61, no. 4 (2008): 173-189.
- ANI. "Attacks on UN personnel Contrary to International Law: US on Deaths of Peacekeepers in Congo." Accessed on 5 September 2022. <https://www.aninews.in/news/world/us/attacks-on-un-personnel-contrary-to-international-law-us-on-deaths-of-peacekeepers-in-congo20220729095032>.
- Antara. "BNPT Akan Periksa Anggota FTF yang Diduga WNI Usai Pandemi." Accessed on 8 September 2022. <https://www.antaraneews.com/tag/satgas-ftf-indonesia>.
- Antara. "Indonesia dan Thailand Kerjasama Evakuasi WNI dari Libya." Accessed on 5 March 2022. <https://www.antaraneews.com/berita/257210/indonesia-dan-thailand-kerja-sama-evakuasi-wni-dari-libya>.
- Arnold, Reiner. *Universalism of Human Rights*. Dordrecht: Springer, 2013.
- Asian Development Bank. "Restoring Infrastructure in the Former Conflict Zones of Sri Lanka." Accessed on 1 November 2022. <https://www.adb.org/results/restoring-infrastructure-former-conflict-zones-sri-lanka>.
- Austin, Anthony. *The Handbook of International Law*. Cambridge: Cambridge University Press, 2010.

- Azimi, Nassrine and Chang Li Lin. "Report of the 2001 Singapore Conference, The Reform Process of the United Nations Peace Operations." Report by United Nations Institute for Training and Research, the Institute of Policy Studies of Singapore, and the Japan Institute of International Affairs, 2001.
- Barker, J. Craig. *The Protection of Diplomatic Personnel*. Hampshire: Ashgate Publishing Limited, 2006.
- Barston, R. P. *The Changing Nature of Diplomacy: Modern Diplomacy*. London: Routledge, Taylor & Francis Group, 2019.
- Behrens, Paul. *Diplomatic Law in A New Millennium*. London: Oxford-Clarendon Press, 2017.
- Bellamy, Alex J. and Sara E. Davies. "The Responsibility to Protect in the Asia-Pacific Region." *Security Dialogue* 40, no. 6 (2009): 547-574.
- Berridge, G.R. and A. Jennings. *Diplomacy of the United Nations*. London: McMillan Press Ltd, 1985.
- Berty, Teddy Tri Setio. "12 WNI di Ukraina Berhasil Kembali ke Indonesia." Accessed on 10 March 2022. <https://www.liputan6.com/global/read/4920381/12-wni-di-ukraina-berhasil-kembali-ke-indonesia-total-133-orang>.
- Bjola, Corneliu and Ilan Manor. "Digital Diplomacy in The Time of The Coronavirus Pandemic." *Center on Public Diplomacy*, 31 March 2020, <https://uscpublicdiplomacy.org/blog/digital-diplomacy-time-coronavirus-pandemic>.
- Bourgeois, Jacques. "External Relations of the European Community." *Fordham International Law Journal* 22, no. 6 (1999): 149-173.
- Buchanan, Allen. "Rawl's Law of People: Rules for a Vanished Westphalian World." *Ethics* 110, no. 4 (2000): 35-66.
- Burgstaller, Markus. *Theories of Compliance with International Law*. Leiden: Martinus Nijhoff Publisher, 2005.
- Cady, Linell E. and Sheldon W. Simmons. *Religion and Conflict in South and Southeast Asia, Disrupting Violence*. London: Routledge, 2007.
- Calla, Michaela del. "1,300 More Filipinos Want to Flee Strife-Torn Syria." PTV News, Accessed 3 September 2022. <http://ptvnews.ph/index.php/bottom->



news-life/12-12-world/3962-1-300-more-filipinos-want-to-flee-strife-torn-syria-dfa.

Cheng, Bin. "Custom: The Future of General State Practice in Divided World." in *The Structure and Process of International Law: Essay in Legal Philosophy, Doctrine and Theory*, edited by R. Macdonald dan Douglas M. Johnston, 513-554. Dordrecht: Martinus Nijhoff Publisher, 1983.

Cooper, Andrew F., Jorge Heine, and Ramesh Thakur, "Introduction: The Challenges of 21<sup>st</sup> Century Diplomacy." in *The Oxford Handbook of Modern Diplomacy*, edited by Andrew F. Cooper, Jorge Heine, and Ramesh Thakur, 1-34. Oxford: Oxford University Press, 2013.

Cornago, Noé. "On the Normalisation of Sub-State Diplomacy." *The Hague Journal of Diplomacy* 11, no. 5, (2010): 11-36.

Criekemans, David. *Regional Sub-State Diplomacy Today*. Leiden: Brill, 2010.

Criekemans, David. *Regional Sub-State Diplomacy Today*. Leiden: Martinus Nijhoff Publisher, 2010.

Denza, Eileen. *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations*. Oxford: Oxford University Press, 2016.

Department of State. "Foreign Operations, and Related Programs of the United States of America, Congressional Budget Justification: Fiscal Year 2021." Accessed on 10 February 2022. <https://www.state.gov/wp-content/uploads/2020/02/FY-2021-CBJ-Final.pdf>.

Diehl, Paul F. *The Politics of Global Governance, International Organizations in An Interdependent World*. Colorado: Lynne Rienner Publishers, 2005.

Diehl, Paul F. *The Politics of Global Governance, International Organizations in An Interdependent World*. Colorado: Lynne Rienner Publishers, 2005.

Ekسا, Golda. "Athar Butuh Dana Kontinjensi untuk Diplomasi dan Operasional." Accessed on 6 May 2022. <https://mediaindonesia.com/politik-dan-hukum/330393/athan-butuh-dana-kontinjensi-untuk-diplomasi-dan-operasional>.

Elsig, Manfred and Milewicz Karolina. "The Politics of Treaty Signature: The Role of Diplomats and Ties that Bind." *International Negotiation* 22, no. 3 (2017): 521-543.

- Emrich, Rudine and David Schulze, “*Diplomacy in the 21st Century: What Needs to Change?*” Paper presented for the main findings of SWP’s “Diplomacy on the 21<sup>st</sup> Century” project, German Institute for International and Security Affairs, 2017.
- Europe Diplomatic. “EU Diplomacy Sidelined Yemen Conflicts.” Accessed on 8 September 2022. <https://europediplomatic.com/2019/10/19/eu-diplomacy-sidelined-yemen-conflict/>.
- Farral, Jeremy Mathan. *The United Nations Sanctions and the Rule of Law*. Cambridge: Cambridge University Press, 2007.
- Fernandez, Ana Mar and Jan Melissen. *Consular Affairs and Diplomacy*. Leiden: Brill, 2011.
- Fernandez, Jorge Cicero. “Mexican Consular and Diplomatic Functions Vis a Vis Private International Law and Nationality Conflicts: Toward A New Normative Framework for the 21<sup>st</sup> Century.” *Mexican Law Review* 12, no. 1 (2019): 57-89.
- Finnermore, Martha. *National Interests in International Society, Cornell Studies in International Economy*. New York: Cornell University Press, 1998.
- Fisher, David. “Domestic Regulation of International Humanitarian Relief in Disasters and Armed Conflict: A Comparative Analysis.” *International Review of the Red Cross* 89, no. 866, (2007): 345-372.
- Friedman, Wolfgang. *The Changing Structure of International Law*. London: Stevens and Sons, 1964.
- Georgiev, Dencho. “Politics or Rule of Law: Deconstruction and Legitimacy in International Law.” *European Journal of International Law* 4, no. 1 (1993): 1-14.
- Guzman, Andrew. *How International Law Works, A Rational Choice Theory*. Oxford: Oxford University Press, 2008.
- Hasundutan, Humbang. “TNI AU Beberkan Tantangan saat Evakuasi WNI di Afghanistan.” Accessed on 5 May 2022. <https://humbanghasundutankab.go.id/main/index.php/read/news/2267>.
- Hatheway, Oona A. “Testing Conventional Wisdom.” *European Journal on International Law* 14, no. 1 (2003): 185-200.

- Heath, J. Benton. "Disaster, Relief, and Neglect: The Duty to Accept Humanitarian Assistance and the Work of the International Law Commission." *International Law and Politics* 43, no. 2 (2011): 419-477.
- Henkin, Louis. *International Law: Politics and Values*. Dordrecht: Martinus Nijhoff Publishers, 1995.
- Hermida, Julian. "A Proposal Toward Redefining The Model of Application of International Law in the Domestic Arena." *Singapore Journal of International and Comparative Law* 7 (2003): 489-510.
- Herschel, Tassilo and Peter Newman. *Governance of Europe's City Regions: Planning, Policy & Politics*. London: Routledge, 2003.
- Hocking, Brian. "Rethinking 'New' Public Diplomacy." in *The New Public Diplomacy: Soft Power in International Relations*, edited by Jan Melissen, 28-43. Palgrave Macmillan, 2005.
- Human Rights Watch. "Russia, Ukraine and International Law: On Occupation, Armed Conflicts and Human Rights." Accessed 5 September 2022. <https://www.hrw.org/news/2022/02/23/russia-ukraine-international-law-occupation-armed-conflict-and-human-rights>.
- Indonesia, Law No. 37 of 1999 on External Relationship.
- International Court of Justice, LaGrand Case (*Germany v. United States of America*), Judgement, 27 June 2001.
- International Court of Justice, Sovereignty over Pulau Ligitan and Pulau Sipadan (*Indonesia v Malaysia*), Judgment, 17 December 2002.
- International Court of Justice. Case Concerning United States Diplomatic and Consular Staff in Teheran (*United States vs Iran*), Judgement, 24 Mei 1980.
- Ismail, Muhammad-Basheer A. *Islamic Law and Transnational Diplomatic Law: A Quest for Complementarity in Divergent Legal Theories*. New York: Palgrave Macmillan: 2016.
- Jackson, John H. "Sovereignty-Modern: A New Approach to an Outdated Concept." *American Journal of International Law* 97, no. 4 (2003): 782-802.
- Jacobs, Francis G. *The Sovereignty of Law*. Cambridge: Cambridge University Press, 2007.

- Jakarta Globe. "Indonesia Condemns Bomb Attack in Embassy in Yemen." Accessed on 7 April 2022. <https://jakartaglobe.id/news/indonesia-condemns-bomb-attack-embassy-yemen/>.
- Jazbed, Milan. "The Vienna Convention on Diplomatic and on Consular Relations: A Philosophy of the Preambles." *International Scientific Journal of European Perspectives* 11, no. 1 (2020).
- Joyner, Christopher. *The United Nations and International Law*. Cambridge: Cambridge University Press, 1997.
- Kaligis, O.C. *Sipadan-Ligitan: Mengapa Kita Kalah*. Jakarta: O.C. Kaligis & Associates, 2003.
- Katsumata, Hiro. *ASEAN's Cooperative Security Enterprise, Norms and Interests in the ASEAN Regional Forum*. London: Palgrave MacMillan, 2009.
- Keck, Margaret E. and Kathryn Sikkink. *Activists Beyond Borders: Advocacy Network in International Politics*. New York: Cornell University Press, 1998.
- Kementerian Pertahanan Republik Indonesia. "Buku Putih Kementerian Pertahanan Indonesia." Accessed on 6 May 2022. <https://www.kemhan.go.id/wp-content/uploads/2016/04/BPPI-INDO-2015.pdf>.
- Klabbers, Jan. *An Introduction to International Institutional Law*. Cambridge: Cambridge University Press, 2002.
- Kompas. "Skenario Baru Evakuasi WNI dari Libya." Accessed on 10 March 2022. <https://lifestyle.kompas.com/read/2011/02/25/11401091/~Internasional~News>.
- Kompas. "Warga Asing Dipulangkan dari Libya." Accessed on 10 March 2022. <https://money.kompas.com/read/2011/02/25/03175580/warga.asing.dipulangkan.dari.libya?page=all>.
- Krasner, Stephen. *Sovereignty: Organised Hypocrisy*. New Jersey: Princeton University Press, 1999.
- Kusumaatmadja, Mochtar. "Konsepsi Hukum Negara Nusantara pada Konferensi Hukum Laut Ke-3." *Indonesian Journal of International Law* 1, no. 1 (2003): 1-34.
- Lawson, Rick. "Out of Control, State Responsibility and Human Rights: Will the ILC's Definitions of the Act of State Meet the Challenges of

- the 21st Century?” in *The Role of Nations State in the 21st Century, Human Rights, International Organizations and Foreign Policies, Essay in Honor of Peter Baehr*, edited by Castermans, Van Hoof and Smith. Boston: Kluwer Law International, 1999.
- Lecours, Andre. *Political Issues of Para diplomacy: Lessons from the Developed World*. Clingendael: Netherlands Institute of International Relations, 2008.
- Lee, Luke T. and John Quigley. *Consular Law and Practice*. Oxford: Oxford University Press, 1961.
- Leira, Halvard and Nina Graeger. “Introduction, The Duty of Care in International Relation.” in *The Duty of Care in International Relations: Protecting Citizens Beyond the Border*, edited by Nina Graeger and Halvard Leira, 1-15. London and New York: Routledge, 2019.
- Lenczowski, George. *Timur Tengah di Tengah Kancah Dunia*. Bandung: Sinar Baru Algensindo, 1992.
- Lesek, Gusti. “Sengketa Sipadan-Ligitan (Selesai) Akhirnya Malaysia Keluar sebagai Pemenang.” Accessed 29 September 2004. [www.sasamba.or.id/nunukan.htm](http://www.sasamba.or.id/nunukan.htm).
- Lowenheim, Oded. “The Responsibility to Responsibilize: Foreign Offices and the Issuing of Travel Warning.” *International Political Sociology* 1, no. 3, (2007): 203-221.
- Manojlovic, Maria and Celia Helen Thorheim. *Crossroads of Diplomacy: New Challenges, New Solutions*. Clingendael: Netherlands Institute of International Relations, 2007.
- Melissen, Jan. “Consular Diplomacy First Challenges: Communicating Assistance to National Abroad.” *Asia & Pacific Policy Studies* 7, no. 2 (2020): 217-228.
- Melissen, Jan. *The New Public Diplomacy: Between Theory and Practice*. London: Palgrave MacMillan Press, 2005.
- Milano, Enrico. “Diplomatic Protection and Human Rights Before the International Court of Justice: Refashioning Tradition?” *Netherlands Yearbook of International Law* 35 (2004): 85-94.
- Ministry of Foreign Affairs of the Republic of Indonesia. “Indonesia Send Humanitarian Aid to Sri Lanka.” Accessed on 12 November 2022. <https://>

kemlu.go.id/portal/en/read/3567/berita/indonesia-send-humanitarian-aid-to-sri-lanka.

Morada, Noel and Teresa S. Encarnacion Tadem. *Philippine Politics and Governance: An Introduction*. Quezon City: Department of Political Science, University of the Philippines, 2006.

Morgenthau, Hans. *Politics Among Nations: Struggle for Power and Peace*. New York: McGraw Hill Education, 2005.

Muhammad, Djibril. "Menlu Mengaku Tak Mudah Evakuasi WNI di Libya." Accessed on 10 March 2022. <https://www.republika.co.id/berita/165674/menlu-mengaku-tak-mudah-evakuasi-wni-di-libya>.

National Academy Press. *Knowledge and Diplomacy: Science Advice in the United Nations System*. Washington, DC: National Academies Press, 2002.

Nicolson, Harold. *Diplomat/Foreword* (New York: Harper, 1959).

Nurmansyah, Rizki. "Kemlu Ungkap Dua Tantangan dalam Evakuasi WNI di Ukraina." Accessed on 10 March 2022. <https://www.suara.com/news/2022/03/10/230407/kemlu-ungkap-dua-tantangan-dalam-evakuasi-wni-di-ukraina>.

Okano-Heijmans, Maaïke. "Consular Affairs." in *Oxford Handbooks of Modern Diplomacy*, edited by Andrew F. Cooper, Jorge Heine, and Ramesh Thakur, 473-492. Oxford: Oxford University Press, 2013.

Orakhelashvili, Alexander. *Akehurst's Modern Introduction to International Law*. 9<sup>th</sup> Edition. London and New York: Routledge, 2022.

Paramitaningrum, Richa Vidya Yustikaningrum, and Galuh Dian Prama Dewi. "Model Diplomasi Perlindungan Pemerintah Indonesia terhadap Warga Negara Indonesia Pekerja Sektor Formal dan Informal di Luar Negeri", *Global Strategis* 12 no. 1 (2018); 17-37.

Paramjit, Sahay. *Indian Cultural Diplomacy: Celebrating Pluralism in a Globalised World*. Delhi: VIJ Books Pty Ltd, 2019.

Pasarin, A.M. Fernandez. "Consulates and Consular Diplomacy." in *The SAGE Handbook of Diplomacy*, edited by Costas M. Constantinou, Pauline Kerr and Paul Sharp, 161-170. London: SAGE Publication, 2016.

- Perera, Ayeshea. "Sri Lanka: Why is the Country in an Economic Crisis?" Accessed on 8 April 2022. <https://www.bbc.com/news/world-61028138>.
- Petersmann, Ernst-Ulrich. "How to Constitutionalise International Law and Foreign Policy for the Benefit of Civil Society?" *Michigan Journal of International Law* 20, no. 1 (1999): 1-30.
- Queller, Donald E. *The Office of Ambassador in the Middle Ages*. Princeton: Princeton University Press, 1967.
- Quigly, John, William J. Aceves and Adele S. Shank. *The Law of Consular Access, A Documentary Guide*. New York: Routledge, 2010.
- Rana, Kishan S. *21<sup>st</sup> Century Diplomacy: A Practitioner's Guide*. New York: Continuum International Pub. Group, 2011.
- Reisman, Michael. "Sovereignty and Human Rights in Contemporary International Law." *American Journal of International Law* 84, no. 4 (1990): 866-876.
- Reus-Smith, Christian. *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations*. Princeton, NJ: Princeton University Press, 1999.
- Roberts, Adam. "Humanitarian Issues and Agencies as Triggers for International Military Action." *International Review of the Red Cross* 82, no. 839 (2000): 673-698.
- Rodis, Rodel. "Shameful Philippine Vote on Syria." Accessed 3 July 2012. <http://globalnation.inquirer.net/42723/shameful-philippine-un-vote-on-syria>.
- Rulac, the Geneva Academy. "International Armed Conflicts in Ukraine." Accessed on 5 September 2022. <https://www.rulac.org/browse/conflicts/international-armed-conflict-in-ukraine#collapse1accord>.
- Satria, Alif. "Swift Action Needed on Indonesian in Islamic State Refugee Camps." Accessed on 8 May 2022. <https://www.benarnews.org/english/commentaries/column-swift-action-needed-on-indonesians-in-islamic-state-refugee-camps-05202022151342.html>.
- Schiavon, Jorge. *A Comparative Para diplomacy*. London: Routledge, 2019.

- Scott, Shirley V. "International Law as An Ideology: Theorising the Relationship Between International Law and International Relations." *European Journal of International Law* 5 no. 3 (1994): 313-325.
- Seib, Phillip. *The Future of Diplomacy*. London and Malden: John Wiley & Sons, 2016.
- Sekretariat Kabinet Republik Indonesia. "Rombongan WNI yang Dievakuasi dari Ukraina tiba di Indonesia." Accessed on 4 March 2022. <https://setkab.go.id/rombongan-wni-yang-dievakuasi-dari-ukraina-tiba-di-indonesia/>.
- Sen, B. *A Diplomat's Handbook of International Law and Practice*. Leiden: Martinus Nijhoff Publisher, 1965.
- Sevilla, Henelito A. "The Emergency Evacuation of Overseas Filipino Workers From Libya and Syria." Accessed 3 September 2022. <https://www.mei.edu/publications/emergency-evacuation-overseas-filipino-workers-ofws-libya-and-syria>.
- Shaw, Malcolm N. *International Law*, 6th Edition. Cambridge: Cambridge University Press, 2008.
- Siekmann, Robert C. "The Fall of Srebrenica and the Attitude of the Dutchbat from an International Legal Perspective." *Yearbook of the International Humanitarian Law* 1 (1998), 301-312.
- Sihbudi, Riza. *Bara Timur Tengah*. Bandung: Penerbit Mizan, 1993.
- Simma, Bruno and Andreas L. Paulus. "The International Community, Facing the Challenge of Globalization." *European Journal of International Law* 2, no. 9 (1998): 266-277.
- Simmons, Beth A. *Mobilising for Human Rights: International Law in Domestic Politics*. New Jersey: Princeton University Press, 1998.
- Simpson, Gerry J. "The Situation on the International Legal Theory Front: The Power of Rules and the Rules of Power." *The European Journal of International Law* 11, no. 2, (2000): 439-464.
- Skjerna, Anton. "Theorising the Impacts of International Law in State Behavior in World Politics." Paper presented at the International Studies Association in San Francisco, 2008.



- Smith, Hazel. "Institutionalising European Union Foreign Policy." in *European Union Foreign Policy: What It Is and What It Does*, edited by Hazel Smith, 63-104. London: Pluto Press, 2002.
- Sriram, Chandra Lekha. "From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict." Report, International Peace Academy, 2003.
- Symons, Jonathan. "The Legitimation of International Organisations: Examining the Identity of the Communities that Grant Legitimacy." *Review of International Studies* 37, no. 5 (2011): 2557-2583.
- Tsinovoi, Alexei and Rebecca Adler-Nielsen. "Inversion of Duty of Care: Diplomacy and Protection of Citizen Abroad, From Pastoral Care to Neoliberal Governmentality." *The Hague Journal of Diplomacy* 13, no. 2 (2018): 211-215.
- Tuathail, Gearoid, Simon Dalby and Paul Routledge. *The Geopolitics Reader*. Routledge, London and New York, 2007.
- Tunader, Ola, Pavel K. Baev and Victoria Ingrid Einagel. *Geopolitics in Post-Wall Europe*. London: Sage, 1997.
- United Nations, "Preventive Diplomacy at the United Nations." UN Chronicle. Accessed 5 September 2022. <https://www.un.org/en/chronicle/article/preventive-diplomacy-united-nations>.
- United Nations, General Assembly Resolution A/Res/46/182, *Strengthening of the coordination of humanitarian emergency assistance of the United Nations*, (19 December 1991).
- United Nations, General Assembly Resolution A/Res/57/150, *Strengthening the effectiveness and coordination of international urban search and rescue assistance*, (16 December 2002).
- United Nations, *Guidance Note of the Secretary-General: United Nations Approach to Rule of Law Assistance* (14 April 2008).
- United Nations, The United Nations Secretary-General Report, A/59/2005, "In Larger Freedom: Toward Development, Security and Human Rights for All" (2005).
- United Nations. "Covid-19 Response." Accessed on 6 September 2022. <https://www.un.org/en/coronavirus/UN-response>.

United Nations. “The Report of the Panel for United Nations Peace Operation (Brahimi Report)”. A/55/305-S/2000/809. Report by United Nations General Assembly Security Council, 2000.

United Nations. Charter, 1945.

United Nations. GA Res. 44/25 (Annex), UNGAOR, 44<sup>th</sup> Sess., Supp. No. 49, at 166, UN Doc. A/RES/44/49 (1990), 30 ILM 1448 (1989).

United Nations. Press Release. “At Least 25 Peace Keeping, Associated Personnel Killed in Malicious Attacks During 2021, United Nations Staff Union Presidents Says.” Accessed on 5 September 2022. <https://press.un.org/en/2022/org1722.doc.htm>;

United Nations. *Report of the Independent Inquiry into the Action of the United Nations during the 1994 Genocide in Rwanda*, UN Doc. S/1999/1257 (16 December 1999).

United Nations. *Report of the Secretary-General under General Assembly Resolution 53/35: The Fall of Srebrenica*, UN Doc. A/54/549. 15 November 1999.

United Nations. S/1999/957. 8 September 1993.

United Nations. S/Res/1101, 12 March 1997.

United Nations. S/Res/1199, 23 September 1998.

United Nations. S/Res/1264, 15 September 1999.

United Nations. S/Res/1270, 22 October 1999.

United Nations. S/Res/1272, 12 October 1999.

United Nations. S/Res/758, 8 June 1992.

United Nations. S/Res/761, 29 June 1992.

United Nations. S/Res/770, 13 August 1992.

United Nations. S/Res/794, 3 December 1992.

United Nations. S/Res/814, 26 March 1993.

United Nations. S/Res/918, 17 May 1994.

United Nations. S/Res/975, 30 January 1995.

United Nations. Secretary General of the United Nations Bulletin, 1999, “Observance by United Nations Forces of International Humanitarian Law”, UN Doc. ST/SGB/1999/13. 6 August 1999.

- United Nations. *United Nations Conflict Prevention and Preventive Diplomacy in Action*. New York: United Nations Department of Political Affairs, 2018.
- United Nations. *United Nations Peace Keeping Operations, Principles and Guidelines*. New York: Department of Peace Keeping Operations Department of Support, 2008.
- van Ham, Peter. *European Integration and the Postmodern Condition: Governance, Democracy*. London: Routledge, 2001.
- Vienna Convention of the Diplomatic Relations, 1961.
- Vienna Convention on Consular Relations, 1963.
- Vienna Convention on Diplomatic Relations, 1961.
- VOI Editorial Team. "Foreign Minister Reveals 133 Indonesian Citizens Have left Ukraine." Accessed on 21 April 2022. <https://voi.id/en/news/154240/foreign-minister-reveals-133-indonesian-citizens-have-left-ukraine>.
- Vox News. "United Arab Emirates: 5 Diplomats Killed in Afghanistan Bombings." Accessed on 8 September 2022. <https://www.foxnews.com/world/united-arab-emirates-5-diplomats-killed-in-afghanistan-bombing>.
- Wagner and Christian Oelfke. *Vienna Convention on Diplomatic Relations of 18 April 1961 - Commentaries on Practical Application*. Berlin: BWV-Berliner Wissenschafts-verlag GmbH, 2018.
- Warbrick, Colin. "Diplomatic Representations and Diplomatic Protection." *The International and Comparative Law Quarterly* 51, no. 3 (2002): 723-733.
- Wardhani, Baiq. "Konflik Identitas di Thailand Selatan." Accessed 28 August 2022. [http://baiq-wardhani-fisip.web.unair.ac.id/artikel\\_detail-64329-Umum-Konflik%20Identitas%20di%20Thailand%20Selatan.html](http://baiq-wardhani-fisip.web.unair.ac.id/artikel_detail-64329-Umum-Konflik%20Identitas%20di%20Thailand%20Selatan.html).
- Weisbrode, Kenneth. *Old Diplomacy Revisited: A Study in the Modern History of Diplomatic Transformations*. New York: Palgrave Macmillan, 2014.
- Wiegand, Krista E. *Enduring Territorial Disputes: Strategies of Bargaining, Coercive Diplomacy, and Settlement*. Athens: University of Georgia Press, 2011.
- Winter, Jay and Antoine Prost, *Rene Cassin and Human Rights, From the Great War to Universal Declaration of Human Rights*. Cambridge: Cambridge University Press, 2013.

- Wouters, Jan, Sanderijn Duquet, and Katrien Meuwissen. "The Vienna Conventions on Diplomatic and Consular Relations." in *The Oxford Handbook of Modern Diplomacy*, edited by Andrew Cooper, Jorge Heine and Ramesh Thakur, 510-543. Oxford: Oxford University Press, 2013), 512.
- "Gempuran Setelah Hari Kurban," *Majalah Tempo*, 18 November 2012.
- "Kisah Dari Wilayah Tiga Bintang Merah," *Majalah Tempo*, 25 November 2012.
- "Konflik Umat Islam dan Budha di Myanmar, 2 Tewas." *Koran Tempo*. Accessed 2 August 2022. <http://www.tempo.co/read/news/2014/07/03/118590128/Konflik-Umat-Islam-Buddha-di-Myanmar-2-Tewas>.
- "Lebih Dari 80 Nyawa Melayang Dalam Konflik Budha-Islam di Myanmar." *DetikNews*. Accessed 28 August 2022. <http://news.detik.com/read/2012/06/21/141139/1947248/1148/lebih-dari-80-nyawa-melayang-dalam-konflik-buddha-islam-di-myanmar>.
- "Para Yudas Tentara Assad," *Majalah Tempo*, 2 Desember 2012.