

## **CHAPTER V**

### **CONCLUSION**

Illegal, Unreported, and Unregulated (IUU) fishing is the new global threat toward the sustainability of world's fisheries and marine sectors. IUU fishing occurs due to the declining of world's fish stocks and marine habitat destruction so that it creates the imbalance between the supply and demand of fish in the market. Therefore, many foreign fishing vessels are entering other countries jurisdiction in order to fulfill their needs of fish without considering the legality of their duty,

The practice of IUU fishing has been increasing regularly since 1996 until today. At the first stage, IUU fishing only involved the use of small-fishing boats and took place in a small range, but in the last decade the actors of IUU fishing used sophisticated fishing vessels. The use of high-tech fishing vessel is one of the factors that makes this matter becomes as serious and important as now on. It is referring to the vessels efficiency that could make the vessels sail further and catch more fish in a short time. This method leads to the degradation on the availability of world's fish stocks and the destruction of world's marine environment.

In order to overcome this matter, UN conference on the human environment in 1972 introduced the use of port state measures as a means to minimize the illegal fishing vessels which enter the jurisdiction of a state. However, the details of the regulation which were under discussion for about twenty one years argued the establishment of the responsible board which could focus on the IUU fishing matters. In the end of 1992, UN gave mandate to Food and Agriculture Organization

(FAO) to analyze and resolve any cases related to the fisheries management and marine conservations.

In 1993, FAO held FAO Compliance Agreement which discussed instrument for countries in order to take effectives actions toward the problem on the fisheries and marine sectors that are consistent with international law. This agenda highlighted the used of port to oversee visiting fishing vessels through four basic elements. These were applied to foreign fishing vessels in order to know the precise purpose of the visiting vessels by requiring a foreign fishing vessels to be voluntary in port and notifying the flag State where there were grounds for believing that conservation and management measures had been undermined. When port states recognized the practice of IUU fishing from visiting vessels, they would take investigatory measures.

The contribution of FAO to arrange the detail measurements for visiting foreign fishing vessels was shown in the 1995 FAO Code of Conduct for Responsible Fisheries. The purpose of this conference was to set international standards and norms for the development, management, and utilization of fisheries and aquaculture resources. According to this conference, the duties of a port state were encouraging the port officers to conduct non-discriminatory and transparent manner.

In 1995, UN Fish Stocks was established to strengthen the use of port state measures as the fisheries management tool by explaining the rights and duties of port states in a detail. Furthermore, the rights and duties of port states were evaluated in the following agenda which was 2001 FAO International Plan of

Action to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing (IPOA-IUU). This agreement enlightened the right and duty of port state to take non-discriminatory measures and introduced the direct action to settle the case related to the vessels which committed to IUU fishing.

Furthermore, the innovative ideas regarding port access were discussed in 2005 FAO Model Scheme. It arranged the newest method to combat IUU fishing by adopting inclusive approach and applying the inspection to all fishing vessels that directly involved in fishing operations, such as support ships and carrier vessels. Besides, the firm action was also shown through this agreement by closing the possible gate for illegal fisheries that wanted to enter the port states and treating the visiting vessels equally.

In order to wrap up all the agreement on the use of port States, FAO established 2009 FAO Port State Measures Agreement (PSMA). It was a binding agreement which was expected to be an effective method to combat IUU fishing. In this agreement, there are ten parts discussing the detail of the use of port and the inspection methods for visiting fishing vessels. Besides, through PSMA each member states should be well cooperated in order to eliminate the practice of IUU fishing globally. This agreement suggested to all the member states for implementing information exchange related to the fishing vessels detected by the port state. Thereupon, the rest of member can do preventive action by blocking the detected vessels from their jurisdiction.

Indonesia as one of the biggest maritime countries in the world that has been struggling to combat IUU fishing within its territory, is also showing its

commitment by participating in various cooperation. In term of eliminating IUU fishing, Indonesia finally ratified PSMA in July 2016, right after seven years of the signatory in 2009. It took almost seven years to support this agreement as the new firm and binding agreement. According to the concept of national interest, concept of decision making process, and concept of international organization, there were some reasons behind the decision of Indonesia to ratify the PSMA.

The first reason was increasing numbers of IUU fishing in Indonesia. The practice of IUU fishing in Indonesia occurred as the consequences of fishing ground availabilities in Indonesian waters. The foreign fishing vessels tended to do illegal fishing in Indonesian waters because of limited fishing grounds as the impact of the decreasing level of global fisheries. Even though the global rates of fisheries catch decreased, but Indonesian rates on fishing catch is remained stable. That is because Indonesia has a lots of potential fishing ground. Therefore, foreign fishing vessels tended to do illegal fishing in Indonesia in order to fulfill the needs of fish toward the market.

The second reason was the lack of law enforcement toward IUU fishing in Indonesia. Basically, Indonesia already arranged several laws which argued the protection of the waters territory and fisheries management. However, the law enforcement is remained weak because of the limited surveillance system and low integrity of the officers.

The third reason was the needs to overcome the issue of IUU fishing in a global level. The increasing cases of IUU fishing and ineffectiveness of the law enforcement were encouraging Indonesia to look for another alternative to

overcome this matter by actively participating in the international conference related to the fisheries sustainability conferences conducted by FAO. The highlight of the strategy of Indonesia in combating IUU fishing was through its participation on FAO Port State Measures Agreement (PSMA) in 2009. Indonesia believed that by implementing this agreement, they can optimize the use of ports to secure the waters territory. Besides, through PSMA, the sea patrols and other responsible board can detect the visiting vessels indicated in IUU fishing.

The practice of illegal, unreported, and unregulated fishing has given a lot of disadvantages for many countries especially the coastal states. The practice of IUU fishing led to overfishing which affected several vital things for instance degrading the fish stocks within the country, affecting economic loss, and damaging the ecosystem. As well as other countries, Indonesia also experienced those things regarding to the practice of IUU fishing in Indonesia. Therefore, in order to eliminate any form of IUU fishing from Indonesian waters, then Indonesia decided to ratify the Port State Measures Agreement (PSMA) in 2009. By this agreement, Indonesia started to realize the importance of a port as the front gates for visiting vessels which wanted to enter Indonesian territory. Furthermore, in line with the agreement, Indonesia supported the optimization of a port as the supervision board for each visiting vessels. Through ratifying this agreement, Indonesia is expected to have better law enforcement within Indonesian jurisdiction and have a beneficial cooperation among the members in order to eliminate the practice of IUU fishing globally.