

# CHAPTER I

## INTRODUCTION

### A. Background

The global capture fisheries trends continue to rise and have shown an overfishing behavior in several parts of world's water. In addition, the IUU fishing activities have increased which threaten the sustainability of fisheries resources and marine environment and it is make the ecosystem in damaged because it takes place in other countries territory. IUU fishing means illegal, unreported and unregulated fishing it is conducted contradictory to legal conservation and management measures currently in place around the world. (International MCS Network, 2014)

Based on IPOA-IUU fishing documents of The ministry of marine affairs and fisheries republic of indonesia Decree, are include these activities

#### 1. Illegal fishing activities:

1). Activities are undertaken without permission or license by the people or foreign vessel within the waters jurisdiction of the country or contrary to the laws of the country concerned.

2). The activities conducted by vessels using state flags member of one of the fisheries management organizations regionally but the activity is against to the rules and regulations concerning the management and conservation of resources established by the organization, which is binding on member states, or in contravention of international law relevant.

3). Activities that conflict with national laws and international obligations, including obligations of the member states of a regional fisheries management organization.

2. Unreported fishing refers to fishing activities:

1). The activities which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or

2). The activities that undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

3. Unregulated fishing refers to fishing activities:

1). Fishing in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a state which is not

the member of that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization.

2). Fishing in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

IUU fishing is a global problem affecting both Exclusive Economic Zones (EEZs) and the high seas. A number of initiatives have been taken to quantify and combat it, notably the 2001 FAO International Plan of Action on IUU Fishing. In 2003 following a meeting of the Round Table on Sustainable Development at the OECD, a number of Ministers decided to form a High Seas Task Force with the objective of defining practical solutions to the problem in form of plan of action and the law enforcement . (Marine Resources Assessment Group Ltd, 2005)

The most common illegal fishing activities that violate the laws which occurs in Indonesian fisheries management area is illegal fishing by foreign fishing vessels, especially from neighboring countries, that operate not only within the Indonesia EEZ waters , but also entering into Indonesian archipelagic waters. In general, the main types of fishing gear used are purse seine and trawl, which are the most productive fishing gear. (The ministry of marine affairs and fisheries

republic of indonesia Decree Number KEP. 50/MEN/2012, 2012 - 2016)

Indonesia is losing significant economic benefits to illegal fishing by foreign fishing vessels and ex-foreign fishing vessels that have reflagged to fish in Indonesian waters. The common perception is that this loss is quite large and there must be real action to fight combat IUU fishing in Indonesian waters. (Sutinen, 2013)

As the national interest natural resource is the most important thing that state should protect as much as possible. Indonesia is the state that owns the biggest area in the ASEAN, Indonesia has coverages 1,904,569 square kilometer, for land: 1,811,569 square kilometer and the water: 93,000 square kilometer. (the centre of intelligent, 2010)

Indonesia consists of more than 17500 islands and some islands are no human living there. Indonesia having to its location in fish-rich waters and a long fishing tradition, Indonesia is one of the biggest seafood producers in the world. (Global Business Guide Indonesia, 2014) But every year, Indonesia suffers from IDR 8.7 trillion losses due to illegal fishing conducted by foreign fishing vessels. *“Illegal fishing practice has also stolen 670,000 tons of fish in Indonesian waters every year. Maritime and Fishery Ministry (KKP)’s Research and Development Agency Head”*, Ahmad Poernomo, said the calculation of loss was based on the sample of 60-GT vessel’s average catch. (Nusantara maritime news, 2015)

Under the Indonesian fishery policy, Indonesia's new policy of publicly sinking illegal fishing vessels operating in Indonesia waters under president Joko Widodo the "sink the vessels" policy. And Indonesia has sunk the vessel from Philippines Vietnam, Thailand, and Malaysia.

From sunk the vessels policy of President Joko Widodo it effected to Thai fishery While this case was acknowledged to the EU and Thailand could be ban seafood production for export because fisheries are important to the 64.2 Million Thai population as a means of employment and a source of fish for personal consumption. Two major fishing areas are the Gulf of Thailand and the Andaman Sea a large majority of these fishing households (about 85%) are engaged in small-scale fishing and are highly dependent on fishing income. It will be the terrified to Thai government and also to the citizen who are fisher man in Thailand. (IUU Fishing Problems and Adequacy of Legislative and Policy Framework to combat IUU Fishing in Thailand, 2010)

The fishery has related to Thai people for a long time ago and getting large and Thailand is a country which succeeded in developing fisheries to be ranked in the top ten of the world with high yield and Seafood exports are a major earner of foreign exchange for Thailand. Fisheries are important both socially and economically for the food security and self sufficiency of Thailand. Thai marine fishery can be

divided into two categories consisting of the artisanal and the commercial fishery. Based on a recent survey (July 2015) of Thai fishing vessels, the total number of active Thai fishing vessels was 45,805 vessels 34,762 are artisanal vessels and 11,043 are commercial vessels. The total capture marine fisheries production was estimated approximately 1.34 million tonnes in 2014 (about 10.4% from the artisanal fishery; 82.1% were from commercial fishery and 7.5% from outside Thai waters. Exported fishery products are from commercial fishery, but the products from artisanal are for the local market. Thailand is also a major seafood producer and exporter. In 2014, exports totaled 1.7 million tonnes, valued at USD 6,749 million and imports totaled 1.6 million tonnes valued at USD 2,740 million. (Thailand NPOA-IUU 2015 – 2019, 2007)

Seafood exports are a major earner of foreign exchange for Thailand, reeling in about \$7 billion last year, and Thailand's private-sector fishing fleet is one of the largest in the Asia-Pacific region. But the industry has been plagued by problems with IUU fishing and human trafficking. Since assuming power, the government of Prime Minister Prayut Chan-o-cha has taken more steps to combat both problems than any of its predecessors. But the long years of inaction and the regional nature of the issues mean that it will take time, cooperation and sustained commitments before IUU fishing and human trafficking can be truly eradicated.

As Thailand faces many fisheries problems; such as overfishing and the destruction of coral reefs as a result of the damage by fishing gear. One way with which Thailand has attempted to reduce the pressure on its fishery resources is to seek joint ventures with foreign coastal countries in the region and beyond. However, some Thai fishermen still seek to fish in neighboring countries like Indonesia and Malaysia, where the marine resources are still rich because of this reason the fisher man try to enrich the product by going to another area that disallow by government until entering to the neighbor's sea for example Indonesia and lead to illegal, unreported and unregulated fishing problem.

Therefore Thai vessel became the focus of Indonesian government for suspect and keeps an eye on it. On July 18, 2013 Fishing Vessel Supervisor Hiu008 detained four foreign fishing vessels flagged of Thailand and suspected that they do illegal fishing in Indonesian Exclusive Economic Zone in the north of marine waters in Nanggroe province, Aceh Darussalam during their routine operations. Four vessel were captured, namely KM. KASASIAN I, KM. KASASIAN 2, KM. CHAYANON 1 and KM. CHAYANON 2, with the 37 number of the nationality of Thai crew on vessel. Fourth vessels conducting fishing using prohibited fishing gear pair trawl, and the vessel do not have a Fisheries business license and a fishing permit license that issued the legitimate Government of the Republic of

Indonesia. (Ministry of marine Affairs and Fisheries of Indonesia, 2013)

Number of vessel sunk by MMAF, Navy, and police in October 2014 till October 2015.

NO	FLAG	TOTAL
1	Philippine	34
2	Vietnam	35
3	Thailand	21
6	Malaysia	6
5	Indonesia 4	4
6	China	1
7	Papua New Guinea	2
	TOTAL	103

(Ministry of Marine Affairs and Fisheries of Republic Indonesia Decree Number KEP. 50/MEN/2012, 2012)

From the number of vessel that sunk by Indonesian government above, Thailand just make the fishing industry already reeling from the effects of the crackdown on illegal fishing by Indonesia, which has disrupted its seafood supply chain. In one year Thai's fishing vessel were blown up and about 200 trawlers were detained for allegedly encroaching on Indonesian waters. Thousands of Thai fishermen were



stranded in Indonesia, and fish supplies were cut it is just make Thailand suddenly in trouble.

Actually Indonesia and Thailand have a good relationship for a long time even Thailand is one of the countries from Indonesia IUU fishing Indonesia tries to solve the problem by achieving to form a joint task force with Thailand to tackle the issue and praised Thailand's efforts to regulate and monitor its fishing fleets by saying the Thai government is truly committed to solve the problem. It is because Thailand's fisheries products could be ban by the EU if Thailand does not immediately solve the problem of Thai fisherman in Indonesia's water. There for Thailand Prime Ministers Prayut Chan O cha' seriously confer and asked for make cooperation with Joko Widodo the President of Indonesia to find the way to solve the IUU fishing problem as soon as possible and Thailand really put the effort in this problem highly, they will expedition for sign the Memorandum of Understanding on Fisheries Cooperation Committee on Fisheries Cooperation, in any case this is will be the benefit to both side for Thailand and Indonesia.

## **B. Research Question**

Based on the previous explanation about the dynamic of cooperation between Indonesia and Thailand to overcome the IUU fishing in Indonesia Sea, the research question related to this study is:

‘How does Indonesia resolve the problem of IUU fishing in cooperating with Thailand?’

### **C. The theoretical framework**

In order to understand the dynamic of cooperation between Thailand and Indonesia to overcome the IUU fishing in Indonesian Sea, this undergraduate thesis will use the theory of International regimes.

Regime theory is an approach within international relations theory, a sub-discipline or regulation of political science, which seeks to explain the occurrence of co-operation among States by focusing on the role that regimes play in mitigating international anarchy and overcoming various collective action problems among States. However, typically regime theory is associated with neoliberal institutionalism that builds on a premise that regimes are central in facilitating international co-operation and limit the behavior of States. Thus, in international relations literature, regime theory is often used interchangeably with the terms 'institutionalism' or 'neoliberal institutionalism'.

According to Stephen Krasner (1983) he defined regimes as *"implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations"*. (Krasner, 1983) While principals are beliefs or fact, causation, and rectitude. Norms are standards of behavior defined in terms of right and obligations. Rules are specific prescriptions or prescriptions for action. Decision making procedures are prevailing practices for making and implementing collective choice. (Andreas Hansencleve, 1997, p. 9) It is often created when there are potential gains from agreements but the agreements are invaluable or difficult to reach. Instead of looking for negotiations on an ad hoc basis, agreements can be nested within a

more comprehensive regime that can facilitate the negotiation of, and complying with, the agreement. (Bradford, 2007)

International regimes are a major type of international institution. Regimes are deliberately constructed and partially international ordered on either a regional or a global scale, which are intended to remove specific issue-areas of international politics from the sphere of self-help behavior. By creating shared expectations about appropriate behavior and by upgrading the level of transparency in the issue-area, regimes help states (and other actors) to cooperate with a view to reaping joint gains in the form of additional welfare or security.

Regimes "are more specialized arrangements that pertain to well-defined activities, resources, or geographical areas and often involve only some subset of the members of international society." This theory could explain the problem of IUU fishing extensively by analyze the fact, causation, and rectitude of the case problem, until the right and obligation and how they made decision on this problem. (Andreas Hansencleve, 1997, p. 33)

#### **D. Hypothesis**

The dynamic of cooperation between Indonesia and Thailand to overcome the IUU fishing in Indonesian Sea are Indonesia and Thailand has drafted the Memorandum of Understanding on Fisheries Cooperation Committee on Fisheries Cooperation between the two countries in order to set the standard operating procedures on fishery and enhance understanding of both countries and Thailand

respond to new the regulation of Indonesia by reform the new regulation in its fishing water and also control on fleeing in overseas.

### **E. Purpose of Research**

This research aims at understanding the way how Indonesia solves the problem of IUU fishing in Indonesian water in cooperating with Thailand.

### **F. Research Methodology**

Concluding this thesis, the writer uses the qualitative-descriptive method. The thesis was done by some researches through internet, collecting some data from articles, journal, papers, books and other thesis that could answer the research question and completed the data that were needed for the thesis, and collected some facts that could support the data of the research.

### **G. System of writing**

Chapter I is the Introduction. This chapter contains explanation about;

Background, Research Questions, Theoretical Framework,

Hypothesis, Method of Research, Purpose of Research, and

System of Writing.

Chapter II will be explain about the condition of IUU fishing in and the combating of IUU fishing In Indonesia.

Chapter III will be explain about the law enforcement against IUU fishing in Indonesia during President Joko Widodo era.

Chapter IV will be explain about agreement of IUU fishing and the effort of Thailand to making the respond of Thailand to cooperate with Indonesia in develop their regulation of control the fishing vessel.

Chapter V is Conclusion.