THE DYNAMIC OF COOPERATION BETWEEN THAILAND AND INDONESIA TO OVERCOME THE IUU (ILLEGAL, UNREPORTED AND UNREGULATED) FISHING IN INDONESIA SEAS (2008-2016)

Undergraduate Thesis



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ABSTRACT

The global capture fisheries trends continue to rise and have shown an overfishing behavior in several parts of world's water. The IUU fishing activities have increased which threaten the sustainability of fisheries resources and marine environment. Indonesia suffers from IDR 8.7 trillion losses due to illegal fishing conducted by foreign fishing vessels. The purpose of this under graduate thesis is to explain how Thailand resolves the problem of IUU or illegal, unreported and unregulated fishing in cooperating with Indonesia to analyze the agreement and Indonesia law enforcement toward to the problem. The result of the cooperation between Thailand and Indonesia is both of them draft the agreement for sign the Memorandum of Understanding on Fisheries Cooperation Committee on Fisheries Cooperation.

Keywords: IUU fishing, Thailand, Indonesia, Agreement.

INTRODUCTION

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.

IUU fishing which mean illegal, unreported and unregulated fishing is fishing that is conducted contradictory to legal conservation and management measures currently in place around the world. (International MCS Network, 201)

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. (Marine Resources Assessment Group Ltd, 2005)

The Asian region accounts for 50 percent of global wild take a fisheries production and about 90 percent of the cultivation of aquatic plants for food production. The sustainable management of these fisheries resources, therefore, is an activity of global importance as well as being critical to countries of the region. (Gary Morgan, 2007)

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

Indonesia consists of more than 17500 islands and some islands are no human living there. Indonesia owing 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 is based on the sample of 60-GT vessel's average catch. (Nusantara maritime news, 2015)

Based on IPOA-IUU fishing documents, are include these activities

1. illegal fishing activities are:

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 activity is contrary 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 member states of a regional fisheries management organization.

2. Unreported fishing refers to fishing activities:

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

2). 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). 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 not party to 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; or

2). 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.

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 much more needs to be done to combat

IUU fishing in Indonesian waters. (Sutinen, FINAL REPORT ON INDONESIAN FISHERIES POLICY, 2013)

Under the Indonesian fishery policy, Indonesia's new policy of publicly sinking illegal fishing vessels operating in Indonesia waters under president Joko Widodo what some have dubbed 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 because 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.

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 make the fishery try to enrichment of the product by trying to go to another area that disallow by government till enter to the neighbors sea for example Indonesia and lead to IUU (illegal, unreported and unregulated) fishing problem.

Indonesia and Thailand has the good relationship for a long time and while Thailand is the one from the country of Indonesia IUU fishing so Indonesia try to solve the problem by agreed to form a joint task force with Thailand to tackle the issue and praised Thailand's efforts to regulate and monitor its fishing fleets, saying the Thai government is truly committed to solving the problem. Because Thailand itself could be ban the fisheries products by the EU if Thailand not immediately solves the problem of Thai fisherman in Indonesia water. So Thailand prime ministers Prayut Chan O cha' seriously confer and asking for cooperation with Joko Widodo the president of Indonesia to find the way to solve the IUU fishing problem as soon as possible and Thailand itself really had the afford in this problem highly, in any case this is will be the benefit to both side for Thailand and Indonesia.

Research Question

From the background to describe about the dynamic of cooperation between Indonesia and Thailand to overcome the IUU fishing in Indonesia Sea and referred to the basic question related to this study is:

'How does Thailand resolve the problem of IUU fishing in Indonesia water in cooperating with Indonesia?'

The theory framework

In order to understand the dynamic of cooperation between Thailand and Indonesia to overcome the IUU fishing in Indonesian Sea, this 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 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)

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)

Regimes are often created when there are potential gains from agreements but when 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. This is especially true when issue density the number and importance of interrelated issues within a given policy space is high. While ad hoc agreements might be adequate to deal with low issue density matters, there are likely to be important economies of scale associated with an international regime when issue density is high. (Bradford, 2007)

International regimes are a major type of international institution. Regimes are deliberately constructed, partial international orders 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.

DISCUSION

THE DYNAMIC AND AGREEMENT OF IUU FISHING

In this chapter the writer will explain the dynamic of combating IUU fishing during President Joko Widodo and the effort of Thailand to making the cooperate with Indonesia.

A. The dynamic of combating IUU fishing during President Joko Widodo

Indonesia has found itself drawn into a number of serious maritime disputes with its neighbors. As the writer mention before that Indonesia loss 30 trillion rupiah (about 3.11 billion dollars) annually of costs the country from illegal fishing.

After the end of Susilo Bambang Yudhoyono era and replace Joko Widodo as the new president of Indonesia the IUU fishing has seriously fighting by him. He reaffirmed his earlier campaign commitments to make Indonesia into a regional "maritime axis" power in the Indo-Pacific region, reflecting the country's archipelagic identity; the need to develop marine resources, fisheries, ports and other maritime infrastructure; and boost maritime defense of its territorial waters, outer islands and EEZs to address illegal, unreported and unregulated (IUU) fishing, piracy and other threats. Indonesian government appointment Susi Pudjiastuti in November 2014 as Minister of Ministry of Marine Affairs (KKP) was a headline item for the country's fisheries sector. Minister Pudjiastuti, a former businesswoman, quickly emerged as one of the most well-known and popular ministers in Joko Widodo's administration. At the same time, she has made no shortage of critics who oppose her major reforms. (David and Lucile Packard Foundation , 2015)

Minister Pudjiastuti has made combating foreign illegal fishing and operated vessels her top priority. The administration's sinking of more than 150 illegal foreign-flagged vessels has received widespread media coverage. Though the minister's efforts have made illegal fishing an inherently riskier activity in Indonesia, the actual extent of progress from the efforts is difficult to estimate. President Widodo assigned Minister Pudjiastuti as head of the newly established Presidential Anti-illegal Fishing Taskforce.

The boat was the latest casualty of Indonesia's new policy of publicly sinking illegal fishing vessels operating in its waters under president Joko "Jokowi" Widodo what some have dubbed the "sink the vessels" policy. Since coming to power last October 2014, Jokowi has vowed to toughen Indonesia's approach as part of his broader vision of turning the country into a "global maritime fulcrum" between the Indian and Pacific Oceans.

In Jokowi's view, Indonesia can no longer tolerate a situation where over 5,000 ships operate illegally in its waters every day, making a mockery out of Indonesian sovereignty and resulting in annual losses of over \$20 billion. Over the past month or so, his administration has sunk vessels from Vietnam, Thailand, the Philippines and Malaysia, seized dozens more and even suggested that the approach could be extended to include larger nations like China. While the practice of sinking vessels itself is not new, it has been conducted in a much more high-profile and expansive manner under the Jokowi administration than it has in the past. (Parameswaran, 2015)

B. The agreement of IUU fishing

Agreement of IUU fishing is agreement that conducted by two or more regime, this is usually done in a form of cooperation which can conclude a law, routine patrol or sharing information.

In order to prevent, inhibit and destroy IUU Fishing, Indonesia has conducted coordination and cooperation between states, through cooperation agreements such as the agreement in the form of a memorandum of understanding (MoU) or a letter of intent (LoI) with several countries including Australia, Vietnam, and Malaysia.

This cooperation, among others, is related to data exchange, transfer of technologies, coordinated patrols, researches and human resources development through education and training, and participation in the efforts to prevent, deter, and eliminate IUU fishing practices.

In 2008, together with the other 10 states in Southeast Asia (Australia, Brunei Darussalam, Cambodia, Malaysia, Papua New Guinea, The Philippines, Singapore, Thailand, East Timor, and Vietnam), Indonesia agreed on the adoption of Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices Including Combating IUU Fishing in the Southeast Asia Region, and has continued its implementation up until now. Indonesia has

become the Secretariat of RPOA, starting in 2008 until now. In addition, also in the same year, Indonesia and ASEAN member states committed themselves in preventing and combating IUU fishing through the establishment of ASEAN Fisheries Consultative Forum (AFCF). AFCF is an ASEAN consultation forum for fishery for which Indonesia was appointed to be the Secretariat for IUU fishing. And this MoU are included:

a. Cooperation with Australia related to fisheries surveillance and law enforcement for combating illegal fishing, signed July 17, 2009;

b. Cooperation with the Socialist Republic of Vietnam on fisheries signed on October 27, 2010;

c. Cooperation with Malaysia regarding the guidance for law enforcement officers of both countries in handling the fishermen who catch fish in the border region, signed on January 27, 2012. (MINISTRY OF MARINE AFFAIRS AND FISHERIES of Republic Indonesia Decree Number KEP. 50/MEN/2012, 2012)

After European Union threatened to sanction Thailand over illegal, unregulated and unreported (IUU) fishing if not immediately solve the problem. Indonesia agreed to form a joint task force with Thailand to tackle the issue and praised Thailand's efforts to regulate and monitor its fishing a fleet, saying by the Thai government is truly committed to solving the problem. 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 last May, 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. (Amazing Thailand organization, 2015)

The proposal to form a joint task force to address IUU fishing was made by Prime Minister Prayut to Indonesian President Joko Widodo on the sidelines of the Asian-African leaders summit in Jakarta in April 2015. The two countries are expected to sign a memorandum of understanding to cooperate on fisheries in coming days. (Parameswaran, 2015)

The Thai government attaches high priority in combating IUU fishing and has integrated cooperation from all sectors including the public, private and civil society, to tackle the problem of Illegal, unreported and unregulated fishing (IUU). Several concrete results can be summarized as follows:

On 3 November 2015, the Cabinet has approved the Fisheries Management Plan (FMP) to combat IUU fishing. Significant measures include reducing the fishing capacity by removing IUU fishing vessels from the fishery industry and prevent them from returning to business. Thailand realizes that the combat against illegal fishing requires close collaboration with international partners, both governmental, intergovernmental and non-governmental organizations. The government also created MoUs on fisheries and labour have been signed or in process of negotiation with many countries. On fishery, as of now the government has already signed an MOU on Fisheries with Fiji. Negotiations are still ongoing with Indonesia.

Even though Thailand and Indonesia still process their MoU about how to combat the problem but Thailand effort to reform the way to fight against and prevent IUU fishing toward this contain below;

Thailand's Reform of Fishing License Regime

These reforms of fishing license regime could control the fisher in Thai water also include to the vessel the fleet oversea are as well. Every Thai-flagged fishing vessel wishing to operate in foreign waters need to obtain an overseas fishing license from the Department of Fisheries. To be eligible for the license, the vessels need to adhere to strict rules and fulfill all requirements designed to strengthen the monitoring of commercial fishing vessels operating in foreign waters. Key requirements for obtaining an overseas fishing license include:

a. Vessels are allowed to fish only in the water under the jurisdiction of a coastal state with which Thailand has signed a MoU on fisheries cooperation. The cooperation between Thailand, as the flag state, and the coastal state where Thai-flagged vessels operate, will ensure effective monitoring of Thailand's overseas fishing fleet.

b. If the vessels wish to operate in the high seas, they can only do so in the areas under the control of a regional fisheries management organization (RFMO) or international organization of which Thailand is a member.

c. Vessels are required to have an "IMO number", a ship identification number assigned by the International Maritime Organization (IMO) under the International Convention for the Safety of Life at Sea (SOLAS Convention). The use of the IMO number improves the transparency and monitoring of the Thai fleet fishing internationally.

d. Vessels need to have valid sanitation certificates, and have in place arrangements to secure the health, safety and welfare of the crew.

e. Vessels must be equipped with VMS and must not use prohibited fishing gears.

The improved fisheries oversight is designed to deter and eliminate IUU fishing and slavery at sea in Thailand's overseas fishing fleet. This is a major step in the Thai Government's effort to find lasting solutions to deep-rooted problems in the fisheries sector. (Royal Thai Embassy, 2016)

Stricter control on Thailand's overseas fishing fleet.

Thai authorities have taken decisive actions to strengthen control of Thailand's overseas fishing fleet, and bolster law enforcement against illegal fishing and labor malpractices in the overseas fishing industry.

A. Stricter rules and requirements for the issuance of overseas fishing license (required for every Thai-flagged fishing vessel wishing to operate internationally):

1. Vessels are allowed to fish only in the water under the jurisdiction of a coastal state with which Thailand has signed a MoU on fisheries cooperation. The cooperation between Thailand, as the flag state, and the coastal states where Thai vessels operate, will ensure effective monitoring of the Thai overseas fleet.

2. If the vessels wish to operate in the high seas, they can only do so in the areas under the control of a regional fisheries management organization (RFMO) or international organization of which Thailand is a member.

3.Vessels are required to have an "IMO number", a ship identification number assigned by the International Maritime Organization (IMO) under the International Convention for the Safety of Life at Sea (SOLAS Convention). The use of the IMO number improves the transparency and monitoring of the Thai fleet fishing internationally.

4. Vessels need to have valid sanitation certificates, and have in place arrangements to secure the health, safety and welfare of the crew.

5. Vessels must be equipped with VMS and must not use prohibited fishing gears.

B. A temporary ban on at-sea transshipment of aquatic animals has been introduced.

1. The Department of Fisheries prohibits Thai-flagged vessels from engaging in any transshipment of fish at any sea outside Thai waters for a period of 180 days (ending in June 2016). The ban may be extended if necessary.

2. The ban, introduced pursuant to Section 87 of the Royal Ordinance on Fisheries, is designed to eliminate the possibility of transshipment of IUU fish by Thai-flagged vessels operating in high seas and territorial waters of foreign states. The measure is also expected to prevent illegal at-sea transfer of seamen between fishing vessels.

3. Exception to the ban is made only in cases where the vessel is given authorization in accordance with the regulations of the coastal state where the transshipment takes place, or where such transshipment is under the supervision of a relevant international organization, or where there is a qualified fisheries observer on board to monitor the transshipment.

C. The Royal Ordinance specifies that every Thai-flagged fishing vessel operating outside Thai waters must have a fisheries observer stationed on board to ensure that fishing operation complies with international standards and fisheries regulations.

1. The observer's main tasks are to observe the fishing operation, collect data and the specimen of aquatic animals caught by the vessel for traceability purposes, and submit a summary report to the competent official. In addition, the presence of the observer helps to deter illegal labor practices on board.

2. The first batch of observers (20 of them) completed their training in December 2015 while the second batches of observers are being trained. The Department of Fisheries has been preparing operating manuals and report forms, and formulating necessary rules and regulations to ensure the effectiveness of the observer program. (Royal Thai Government, 2016)

Thailand and Indonesia has a good relation both of them always keep meeting for negotiated and sharing information , During 10-11 February 2016, Mr. Don Pramudwinai, Minister of Foreign Affairs, paid an official visit to the Republic of Indonesia at the invitation of H.E. Mrs. Retno Lestari Priansari Marsudi, Minister of Foreign Affairs of the Republic of Indonesia. Mr. Don Pramudwinai attended a meeting with the Minister of Foreign Affairs of Indonesia to discussed bilateral issues. Both sides were pleased with the strengthened relations between Thailand and Indonesia and agreed to further promote exchange of highlevel visits.

Minister of Foreign Affairs also met and discussed with H.E. Mrs. Susi Pudjiastuti, the Minister of Maritime Affairs and Fisheries of Indonesia on the cooperation in the fishery sector. Both parties expressed their interests in solving the issue of Illegal, Unregulated and Unreported (IUU) fishing. The Thai side proposed that both sides set a definite guideline and timeframe to move forward cooperation in fishery sector. In the short term, the Thai side will invite high-level officials from Indonesia to co-chair the first Joint Working Group Meeting on Fisheries Cooperation and further promote exchanges between relevant Thai and Indonesian businesses and government officials, while expediting the signing of MOU on Fisheries cooperation.

In the long term, both sides agreed to promote investment in industrial fishery sector to create sustainable fishing supply-chain and businesses. The Minister of Maritime Affairs and Fisheries recognized the efforts by the Thai Government and expressed her willingness to cooperate with Thailand to solve the problem in a sustainable manner. The Minister of Foreign Affairs also expressed his appreciation to the Indonesian Government for facilitating the repatriation of 1,800 Thai fishermen in Indonesia. (Minister of Foreign Affairs of The Kingdom of Thailand, 2016)

CONCLUSION

IUU fishing is a global problem that threatens ocean ecosystems and sustainable fisheries. Indonesia is the one country that faced to the IUU fishing, they loss their natural resources of fisheries about 30 trillion rupiah (about 3.11 billion dollars) annually of costs the country from illegal fishing.

Indonesia sunk the illegal foreign vessel those entering to Indonesia water and almost there are neighbor countries is entering for catch the fishes without permission or license within the new policy of president Joko Widodo, And apart of those illegal vessel Thailand is one of them, while in the same time Thailand itself could be ban the fisheries products by the EU if Thailand not immediately solves the problem of Thai fisherman in Indonesia water. Then Thailand immediately asking Indonesia to cooperate for overcomes those problems.

The cooperation form of them will be in form of Memorandum of Understanding (MOU) 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 public and private sectors on the matter. This cooperation, between them, is related to data exchange, transfer of technologies, coordinated patrols, researches and human resources development through education and training, and participation in the efforts to prevent, deter, and eliminate IUU fishing practices. However the Memorandum of Understanding (MOU) on Fisheries Cooperation Committee on Fisheries Cooperation it still ongoing process but somehow Thailand always keep in touch to Indonesia to show how effort Thailand to intend and take responsibility to this problem.

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