

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
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3	Thailand	21
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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.

CHAPTER II

THE CONDITION OF IUU FISHING IN INODONESIA

Before discussing about the dynamics of cooperation between both states, it is better to understand the condition of each country before the cooperation is held. In order to make a better understanding, this chapter will be divided into two sub-chapters. The first will describe a little about the IUU fishing condition in Indonesia. Meanwhile, the second will describe about the combating against IUU fishing during Joko Widodo era.

A. The IUU fishing condition in Indonesia

Pacific Ocean is an area that the offense level high enough compared with other regions. The violations were mainly carried out by the foreign vessel which comes from various countries including Thailand, Vietnam, China, and the Philippines. Illegal Fishing activity most often occurs in the area of fisheries management Indonesia is illegal fishing by foreign fishing vessels that originating from neighboring countries. Although it is difficult to map and estimate the level of illegal fishing is happening in the Indonesia, but the results of monitoring conducted so far, (2005-2010) concluded that illegal fishing by foreign vessel mostly in EEZ (exclusive Economic Zone) and also quite many occur in the archipelago waters. In general, the type of fishing gear used by foreign vessel or ex-Foreign vessels illegally in Indonesian waters are productive tools such as purse seine fishing and illegal fishing trawl.

Indonesia is an archipelago in Southeast Asia consisting of 17,000 islands (6,000 inhabited) and straddling the equator. The largest islands are Sumatra, Java (the most populous), Bali, Kalimantan (Indonesia's part of Borneo), Sulawesi (Celebes), the Nusa Tenggara islands, the Moluccas Islands, and Irian Jaya (also called West Papua), the western part of New Guinea. Its neighbor to the north is Malaysia and to the east is Papua New Guinea.

Indonesia, part of the “ring of fire,” has the largest number of active volcanoes in the world. Earthquakes are frequent. Wallace's line, a zoological demarcation between Asian and Australian flora and fauna, divides Indonesia. (infoplease, 2010)

Due to its geography, Indonesia has long enjoyed access to a diverse range of marine environments and resources. Since 1980, Indonesia has had jurisdiction over an Exclusive Economic Zone (EEZ) of about 3.1 million km, the fifth largest in the world. From 1950 to 2006, total wild capture fisheries production grew at about 4.5 percent per annum or just over double the population growth rate. In 2004, Indonesia accounted for about 5 percent of the world's total wild capture fisheries production of 86 million tones. By 2006, Indonesian wild capture fisheries production totaled about 4.8 million tones, the fifth largest in the world after China, Peru, the USA and Chile. While total production is still growing, there are increasing signs of depletion of fish stocks, especially in the Java Sea and Malacca Straits. (Tull, 2009)

Indonesia's fish resources can be classified into three main ecosystems. The first is Sunda shelf, Sunda Shelf are a stable continental shelf, or platform, a southward extension of mainland Southeast Asia. Most of the platform is covered by shallow seas including the southern South China Sea, the Gulf of Thailand, and the Java Sea which average depths is less than 330 feet (100 metres). Most of the Sunda Shelf's total area of 1,800,000 square km is occupied by the Indonesian islands of Borneo, Java, and Sumatra. The shelf is separated from the Sahul Shelf (southeast) by the volcanic (and volcanically active) Lesser Sunda Islands and associated deeps. To the west and south, its limit is defined by the Java Trench, a deep and seismically active subduction zone. A massive earthquake in 2004, centred in this zone, west of Sumatra, generated a large tsunami that devastated coastal areas in the region. (Encyclopædia Britannica, 2005)

The second is Sahul Shelf, The Sahul is the Australia-New Guinea continent, which is exposed during glacial maximums. If one was to take a satellite photograph of the Sahul during an ice age, we will see more or less a complete island in the picture, one that spans from New Guinea to Australia and Tasmania. (Kamrani, 2008)

The last one is the Indian Ocean and other deep seas. The Indian Ocean is the third largest of the world's five oceans (after the Pacific Ocean and Atlantic Ocean, but larger than the Southern Ocean and Arctic Ocean). Four critically important access waterways are the Suez Canal (Egypt), Bab el Mandeb (Djibouti-Yemen), Strait of Hormuz (Iran-Oman), and Strait of Malacca (Indonesia-Malaysia)

Indonesian has fisheries resources is very large volume in marine capture fisheries production in 2010 amounted to 5,039,446 tons with production value of 59 trillion rupiah. (Capture Fisheries Statistics Indonesia, 2011) Not only just 62% of Indonesia in the form of sea and half of them are the Exclusive Economic Zone (EEZ). Indonesia's marine area is located between two continents and two oceans has long been the main line of world trade.

Foreign vessel still operating in Indonesian territory without permission, for example in 2010 there are 108 cases of illegal fishing in the territorial waters of Natuna with a total loss of IDR 30 trillion. This caused of entering the foreign vessel is lack of regulation and control of foreign vessel from Indonesian government itself. In addition, the waters in the Sulawesi Sea, the Malacca Strait, Natuna Sea, South China Sea and the Sea of Arafuru are the area of illegal fishing. It shows the vulnerability of the border region of Indonesia to security threats at sea. The border region bordering Malaysia, Singapore, the Philippines, and Australia is often the entry point for crimes at sea. The perpetrator of this illegal fishing also was derived from ASEAN members, such as Malaysia, Thailand, Vietnam and the Philippines. This is certainly contrary to the spirit of ASEAN Maritime Cooperation and the essence of the vision of the ASEAN Political-Security Community in 2015 which was initiated in 2009.

Offshore waters and the eastern part of Indonesia were less intensively exploited, at least until the early 1980s. Since then large numbers of foreign trawlers have legally and illegally exploited eastern waters, taking a heavy toll on fish stocks. (Tull, 2009)

In 2012, Indonesia's fishery production reached approximately 8.9 million tonnes, of which inland and marine catch accounted for about 5.8 million tonnes and aquaculture 3.1 million tonnes in addition to 6.5 million tonnes of seaweeds. About 95 percent of fishery production comes from artisanal fishermen. In 2012, around 6.4 million people were engaged in inland and marine fishing and fish farming. The marine fishing fleet comprised 620 830 vessels in 2012, with 28 percent of non-powered boats and 39 percent of out-board engine. An additional 184 900 vessels (of which 23 percent had engine) composed the fleet operating in inland waters. 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)

The following constraints affect fisheries management and aquaculture development: overfishing in both marine and inland fisheries waters; low income and standard of living for fishers and fish farmers; lack of financial support in terms of credit schemes; weak fisheries management, particularly concerning monitoring, surveillance and enforcement (MCS). Illegal, unreported and unregulated (IUU) fishing is a major problem in the country. To address these issues the National Mid Term Priority Framework (2010-2014) has set the following priorities: community development and empowerment through

programmes for small-scale fishers and fish farmers in coastal and small island areas; mitigation and adaptation strategies to climate change for the marine and fisheries sector; improvement of the quality and profitability of fish products for small-scale fishers; improvement of fishery-related infrastructure; strengthened MCS systems to improve management and combat IUU fishing; strengthening human resource capacity. (Department of Fisheries and Aquaculture of Indonesia, 2014)

B. The 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)

CHAPTER III

LAW ENFORCEMENT AGAINST IUU FISHING IN INDONESIA DURING JOKO WIDODO ERA

According to Ministry of Maritime Affairs and Fisheries, there are 8 stages of action that were taken to prevent and combat IUU fishing in Indonesia:

A. Moratorium of ex-foreign fishing vessel

The very first step of the set of law enforcement to combat IUU fishing is legal due diligence. It is an activity that conducted to intensively investigate the suspected ex- foreign vessel that crossing the Indonesian boundary and breaking the law. This is done before the vessel was sentenced with the legal law by the court of Indonesia. In 2015, there were about 1.132 foreign vessels were caught.

After that, if the vessels were proved breaking the law, the next step is taking legal consequence analysis. This step was done separately for each company and vessel. Each of the suspected company and vessel will sentenced with different kind of indictment. The bigger the loss that caused by IUU fishing activities done by a company or vessel, the more severe the punishment would be given.

All of the activities related to this moratorium were based on the Minister's Regulation 56/2014.

B. Ban on transshipment

Based on the Regulation of Minister 56/27, the second step is banning the transshipment. It includes developing, monitoring and/or implementing the recommendations from the analysis and evolution that done before.

States should take measures consistent with international law in relation to managing vessels without nationality on the high seas involved in IUU fishing.

Indonesia has prevented or bans the entry of vessels without nationality into Indonesian waters that were going to utilize its ports or obtain fishing license to conduct fishing activities in Indonesian waters. Based on Article 166 paragraph (1) of Act Number 17 of 2008 on Seafaring Activities, every vessel that sails on the Indonesian territorial waters shall be able to clearly indicate the identity of the vessel. (Ministry of Marine Affairs and Fisheries of Republic Indonesia Decree Number KEP. 50/MEN/2012, 2012, p. 25)

The ban policy was issued on January 9, 2015, and then postponed until September following strong protests from various regions in the country. Various business players in the fisheries sector continued to protest the policy because it will effect to the economic in Indonesia as well but in other way it can prevent foreign vessel to coming in Indonesia water. The circular explained each fishing and fish transport vessels to operate should put an independent professional observer to prevent illegal fishing practices through transshipment practice to abroad.

C. Ban on using seine net and trawl

Based on the Minister's Regulation 02/2015 the third step is ban on using seine net and trawl. Seine nets and trawlers were banned because they "caused fish stocks in the Indonesian fishery management zone to decline and threatened conservation of stocks and to limit or search the foreign vessel in Indonesia water because it is easy to find the illegal vessel from their tools in catching fishes.

The circulation letter stated trawl and seine net usage ban are fully banned in all Indonesian waters on January 1st 2016. Fishing permit (SIPI) with trawl and seine net usage issued before the implementation of Ministerial Regulation No. 2/2015 still prevails until it expires.

The expired SIPI of fishing vessels constructed domestically with trawl and seine net can still be extended until December 31st 2015. It aims to give an opportunity for vessel owners to replace their fishing tools.

D. Establishment of Task Force to Prevent and Combat IUU fishing

The government has stepped up its maritime law enforcement by preparing a presidential decree that will lay the groundwork for the establishment of a new task force to combat illegal fishing, and also established by the Minister of Fisheries and Marine Affairs according to a government official. This is the forth step of Indonesia combating on IUU fishing.

a. Task Force on Eradication of IUU Fishing established by the President.

1. Strengthen the enforcement capacity and effectiveness to combat IUU fishing by establishing a joint enforcement task force which includes KKP, Navy, Police, Coast Guards, and Public Prosecutors.

2. Utilize the existing forces including warship, airborne, and other appropriate technology for surveillance and enforcement purposes.

3. Regular patrol (including airborne surveillance) conducted by joint task force to detect IUU fishing activities.

b. Task Force on Prevention and Eradication of IUU Fishing which established by the Minister of Fisheries and Marine Affairs.

1. Conduct analysis and evaluation of 1.132 ex-foreign vessels (legal due diligence) and develop legal consequence analysis (per company and vessel).

2. Develop, monitor and / or implement recommendations resulted from analysis and evaluation.

3. Conduct fisheries license governance reform (national and regional level).

4. Monitor enforcement practices on IUU Fishing and provide technical assistance for enforcement officers on cases basis.

5. Strengthen coordination among enforcement agencies by developing online case tracking system on IUU fishing. (Santosa, 2014-2015)

E. Compliance Audit of 1,132 ex-foreign vessels.

In this step Indonesian government will recheck the foreign about 1,132 of vessel after Indonesia published the various law enforcement and the punishments as a warning to the illegal vessel for not coming to Indonesia's water again.

A. Mandated

By: 1. Indonesia's Minister Regulation No. 56/PERMEN--- KP/2014 on the Moratorium of Ex-Foreign Fishing Vessel.

2. Indonesia's Minister Decree No. 26B/KEPMEN-- KP/2015 on the Analysis and Evaluation of Ex-Foreign Fishing Vessel.

B. Conducted in 7 months (March – October 2015)

C. Total 1,132 vessels and 187 vessel owners distributed in 33 base ports.

F. Sink captured IUU fishing vessels.

After through 4 steps that Indonesia compromise to the neighbor that enter to Indonesia water but they still not obey the Indonesia rules so, Indonesia has sanctions on the IUU fishing offenders, according to Joko Widodo new policy which sink the IUU fishing in Indonesia water.

Article 69 of Law No. 45/2009 on fisheries stipulates that the coast guard can sink foreign vessels operating illegally in the country's territorial waters based on sufficient preliminary evidence. Article 76A: “An object and/or tool used for and/or resulted from fisheries crime may be confiscated for the state or destroyed subsequent to the approval of the chief of a district court.”

On the UNCLOS (ratified by Law 17/1985) Article 92: “A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality”. (Afrida, 2015)

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

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Indonesia just shown the most determined crackdown it has sunk 174 foreign boats to date on the new policy of President Joko Widodo has proved that Indonesia cannot be mocking or making fun because there are really serious to this problem.

G. Strengthening law enforcement

- A. Enhance the coordination with navy, water police, coast guards, tax administration office, and Financial Intelligence Unit
- B. Application of corporate criminal liability
- C. Imposing administrative sanctions (based on the findings in the audit compliance)

H. Roadmap to Improve Governance of Fisheries Business.

For the last step of the law enforcement to prevent and control the IUU fishing in Indonesia water which is assurance of transparency, participatory, and accountability of related policies is included in the roadmap to improve fisheries business governance led by Minister of Marine Affairs and Fisheries. The roadmap consists of 5 issues:

1. Improvement of vessel registration system;
Double Registration
 - a. 343 vessels are indicated double registered (China and Indonesia).
 - b. 11 vessels are indicated double registered (PNG and Indonesia).
 - c. 8 vessels are indicated double registered (Thailand and Indonesia).

2. Improvement of fishery license governance. Fish catch licenses are still issued despite the fact that it is inconsistent with the use of prohibited fishing gear(s) registered under the license and also investigate on landing port request by the vessel owner there are vessels which land their catch at landing ports other than the ports stated in the licenses.

3. Improvement of surveillance system by Utilize the existing forces including warship, airborne, and other appropriate technology for surveillance and enforcement purposes.

4. Inclusion of human rights traceability in addition to food safety and IUU fishing traceability because it always has illegal labor on the ship And found 365 persons in Ambon and 682 persons in Benjina became victims of trafficking and modern slavery, they are worked for more than 18-22 hours per day in 7 days a week with only 2-4 hours of recess time, while they are Physical and mental abuse.

5. Strengthening cooperation in national and international level as the characteristic of the international regimes is to create the cooperation between states.

Indonesia already has law enforcement in prevent and against the IUU fishing in a long time ago, but about loss a lot of their natural resources and the cost of nation they cannot wait and patience anymore till use the decisive step to fight against the illegal fishing in Indonesia.

CHAPTER IV

THE AGREEMENT OF IUU FISHING AND THE RESPOND FROM THAILAND

In this chapter the writer will explain the agreement of IUU fishing between Indonesia and Thailand, and the effort of Thailand to making the respond of Thailand to cooperate with Indonesia in develop their regulation of control the fishing vessel.

A. 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)

Here is the result of the negotiation between Indonesia and Thailand in initiative to sign the Memorandum of Understanding:

1. In drafting a Memorandum of Understanding between Republic of Indonesia and the Kingdom of Thailand on cooperation in fisheries issue. The scope of cooperation as outlined in the MOU include the prevention deter and eliminate illegal fishing, lack of reporting and

access control by stage of the bilateral, regional and multilateral measures to promote the state-owned ports to deter and eliminate illegal fishing, lack of reporting and access control. Sharing of data and information concerning the import / export of fishery products, registration of fishing vessels as requested and boosting investment in fisheries.

2. According to the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia has issued a ministerial regulation on suspension of the fishing license for a period of six months from November 3, 2014 and it will effective until April 30, 2015 it is on the entrepreneurs fishery of Thailand to make a fishing in Indonesia water in form of joint venture with private section of Indonesian. The regulation of joint venture is the fishing vessel from Thailand must withdraw registration and citizenship as Indonesian vessel fishing first in order to get permission fishing in Indonesian water and Thai's vessel should use Indonesian crew in working on the vessel.
3. Indonesia wishes to support information exchange for the withdrawal of fishing vessels registered in Thailand's fisheries sector with Indonesia. Including data export aquatic products from Indonesia.
4. Thailand offer to obtain details about the process of inspection according to the Ministry of Marine Affairs Fisheries No. 56/2014 dated November 3, 2014 relating to the cancellation of the licenses and proposals of other conservation measures. According to the Regulation

No. 2/2015 dated January 8, 2015 regarding the ban on use of trawl and seine fishing in the waters in Republic of Indonesia water, by offering support for Indonesia to consider other measures such as demarcation and fishery conservation area including determining the appropriate mesh size with a period of change (transition period) to the operators.

5. Indonesian President emphasized that Indonesia has a policy to classify the fishing boats that venture legalization of the illegal fishing boats and will support the fishing vessel that is required by law only.
6. Indonesian President acknowledged the proposal of Thailand to support the Fish Marketing Organization in help entrepreneurs in the fisheries cooperation with Thailand and Indonesia correctly, including Thai government intent to state the cooperation between the two countries to help them control and supervision to prevent illegal fishing, unreported and unregulated (IUU Fishing). (Ministry of Agriculture and Cooperatives of Thailand, 2015)

B. The respond from Thailand government

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;

1. 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)

2. 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 high-level 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)

CHAPTER V

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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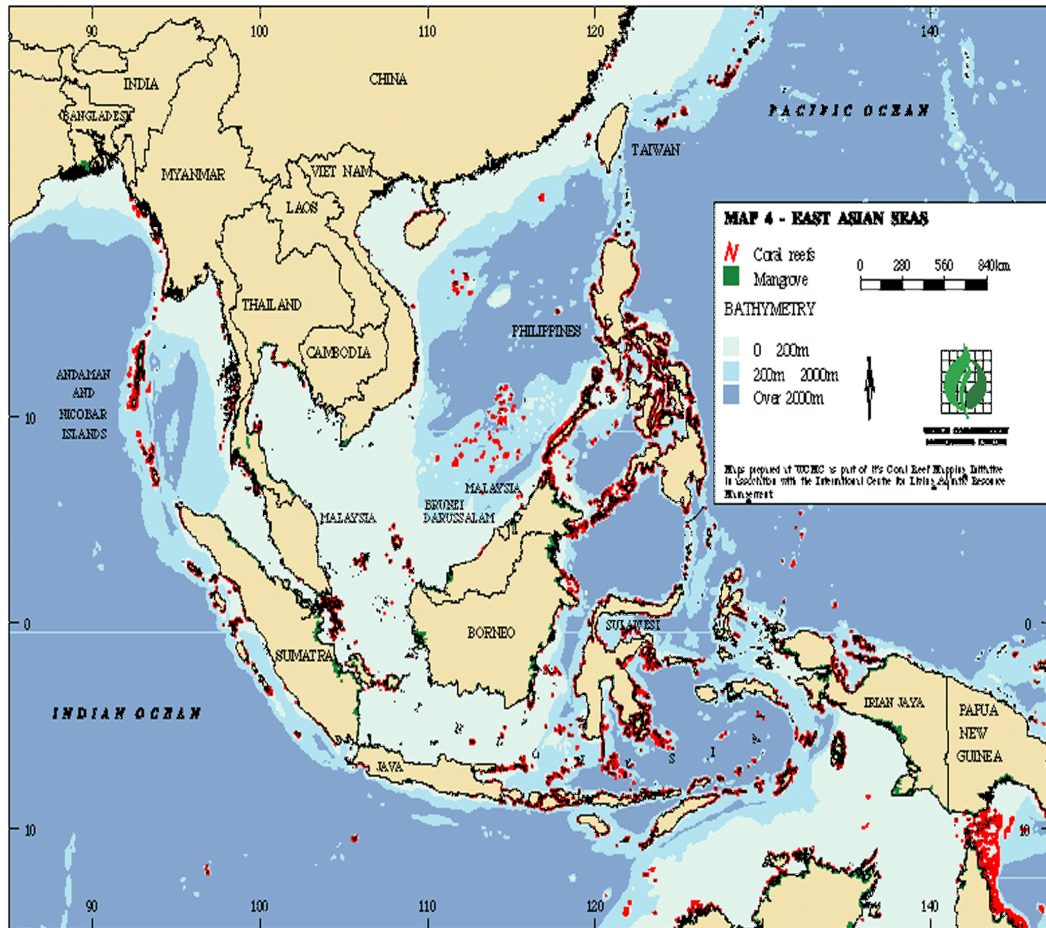
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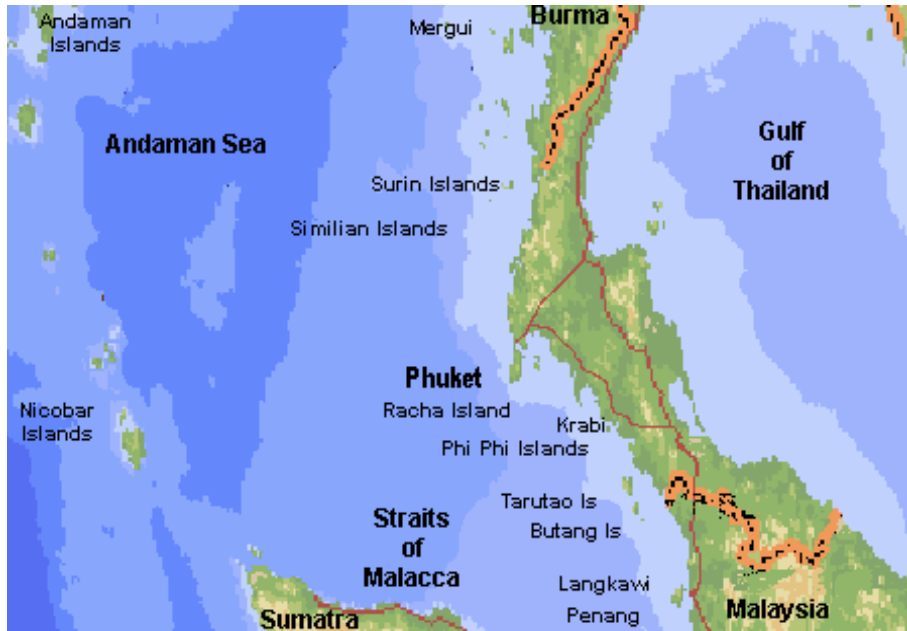
APPENDIX

A. Map of Indonesia's fisheries



https://www.ncdc.noaa.gov/paleo/outreach/coral/sor/sor_asia.html (Accessed on 10, October 2016)

B. Map of Thailand's fisheries



<http://www.thailandparadise.com/fishing.htm> (Accessed on 10, October 2016)

C. Picture of sunk the foreign vessel



<http://www.wsj.com/articles/indonesia-blows-up-23-foreign-fishing-boats-to-send-a-message-1459852007> (Accessed on 10, October 2016)



<http://www.thesundaily.my/news/1940170> (Accessed on 10, October 2016)

D. Picture of meeting between Indonesia and Thailand



<http://www.mfa.go.th/main/en/media-center/28/page-17.html> (Accessed on 10, October 2016)